



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 29, 2011

House Amendment 1477

PAG LIN

1 1 Amend House File 642 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. ROAD USE TAX FUND. There is
1 5 appropriated from the road use tax fund created in
1 6 section 312.1 to the department of transportation for
1 7 the following fiscal years, the following amounts, or
1 8 so much thereof as is necessary, to be used for the
1 9 purposes designated:
1 10 1. For the payment of costs associated with the
1 11 production of driver's licenses, as defined in section
1 12 321.1, subsection 20A:
1 13 FY 2011=2012..... \$ 3,876,000
1 14 FY 2012=2013..... \$ 3,876,000
1 15 Notwithstanding section 8.33, moneys appropriated in
1 16 this subsection that remain unencumbered or unobligated
1 17 at the close of the fiscal year shall not revert but
1 18 shall remain available for expenditure for the purposes
1 19 specified in this subsection until the close of the
1 20 succeeding fiscal year.
1 21 2. For salaries, support, maintenance, and
1 22 miscellaneous purposes:
1 23 a. Operations:
1 24 FY 2011=2012..... \$ 6,570,000
1 25 FY 2012=2013..... \$ 6,570,000
1 26 b. Planning:
1 27 FY 2011=2012..... \$ 458,000
1 28 FY 2012=2013..... \$ 458,000
1 29 c. Motor vehicles:
1 30 FY 2011=2012..... \$ 33,921,000
1 31 FY 2012=2013..... \$ 33,921,000
1 32 3. For payments to the department of administrative
1 33 services for utility services:
1 34 FY 2011=2012..... \$ 225,000
1 35 FY 2012=2013..... \$ 225,000
1 36 4. Unemployment compensation:
1 37 FY 2011=2012..... \$ 7,000
1 38 FY 2012=2013..... \$ 7,000
1 39 5. For payments to the department of administrative
1 40 services for paying workers' compensation claims under
1 41 chapter 85 on behalf of employees of the department of
1 42 transportation:
1 43 FY 2011=2012..... \$ 119,000
1 44 FY 2012=2013..... \$ 119,000
1 45 6. For payment to the general fund of the state for
1 46 indirect cost recoveries:
1 47 FY 2011=2012..... \$ 78,000
1 48 FY 2012=2013..... \$ 78,000
1 49 7. For reimbursement to the auditor of state for
1 50 audit expenses as provided in section 11.5B:



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2 1	FY 2011=2012.....	\$	67,319
2 2	FY 2012=2013.....	\$	67,319
2 3	8. For automation, telecommunications, and related		
2 4	costs associated with the county issuance of driver's		
2 5	licenses and vehicle registrations and titles:		
2 6	FY 2011=2012.....	\$	1,406,000
2 7	FY 2012=2013.....	\$	1,406,000
2 8	9. For transfer to the department of public safety		
2 9	for operating a system providing toll-free telephone		
2 10	road and weather conditions information:		
2 11	FY 2011=2012.....	\$	100,000
2 12	FY 2012=2013.....	\$	100,000
2 13	10. For costs associated with the participation in		
2 14	the Mississippi river parkway commission:		
2 15	FY 2011=2012.....	\$	40,000
2 16	FY 2012=2013.....	\$	40,000
2 17	11. For motor vehicle division field facility		
2 18	maintenance projects at various locations:		
2 19	FY 2011=2012.....	\$	200,000
2 20	FY 2012=2013.....	\$	200,000
2 21	12. For scale replacement projects at various		
2 22	locations:		
2 23	FY 2011=2012.....	\$	550,000
2 24	FY 2012=2013.....	\$	550,000
2 25	For purposes of section 8.33, unless specifically		
2 26	provided otherwise, moneys appropriated in subsections		
2 27	11 and 12 that remain unencumbered or unobligated shall		
2 28	not revert but shall remain available for expenditure		
2 29	for the purposes designated until the close of the		
2 30	fiscal year that ends three years after the end of		
2 31	the fiscal year for which the appropriation was made.		
2 32	However, if the projects for which the appropriation		
2 33	was made are completed in an earlier fiscal year,		
2 34	unencumbered or unobligated moneys shall revert at the		
2 35	close of that same fiscal year.		
2 36	Sec. 2. PRIMARY ROAD FUND. There is appropriated		
2 37	from the primary road fund created in section 313.3		
2 38	to the department of transportation for the following		
2 39	fiscal years, the following amounts, or so much		
2 40	thereof as is necessary, to be used for the purposes		
2 41	designated:		
2 42	1. For salaries, support, maintenance,		
2 43	miscellaneous purposes, and for not more than the		
2 44	following full-time equivalent positions:		
2 45	a. Operations:		
2 46	FY 2011=2012.....	\$	40,356,529
2 47	FTEs	296.00
2 48	FY 2012=2013.....	\$	40,356,529
2 49	FTEs	296.00
2 50	b. Planning:		



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3	1	FY 2011=2012.....	\$	8,697,095
3	2	FTEs	121.00
3	3	FY 2012=2013.....	\$	8,697,095
3	4	FTEs	121.00
3	5	c. Highways:		
3	6	FY 2011=2012.....	\$	230,913,992
3	7	.....	FTEs	2,247.00
3	8	FY 2012=2013.....	\$	233,026,992
3	9	.....	FTEs	2,247.00
3	10	d. Motor vehicles:		
3	11	FY 2011=2012.....	\$	1,413,540
3	12	.....	FTEs	445.00
3	13	FY 2012=2013.....	\$	1,413,540
3	14	.....	FTEs	445.00
3	15	2. For payments to the department of administrative		
3	16	services for utility services:		
3	17	FY 2011=2012.....	\$	1,388,000
3	18	FY 2012=2013.....	\$	1,388,000
3	19	3. Unemployment compensation:		
3	20	FY 2011=2012.....	\$	138,000
3	21	FY 2012=2013.....	\$	138,000
3	22	4. For payments to the department of administrative		
3	23	services for paying workers' compensation claims under		
3	24	chapter 85 on behalf of the employees of the department		
3	25	of transportation:		
3	26	FY 2011=2012.....	\$	2,846,000
3	27	FY 2012=2013.....	\$	2,846,000
3	28	5. For disposal of hazardous wastes from field		
3	29	locations and the central complex:		
3	30	FY 2011=2012.....	\$	800,000
3	31	FY 2012=2013.....	\$	800,000
3	32	6. For payment to the general fund of the state for		
3	33	indirect cost recoveries:		
3	34	FY 2011=2012.....	\$	572,000
3	35	FY 2012=2013.....	\$	572,000
3	36	7. For reimbursement to the auditor of state for		
3	37	audit expenses as provided in section 11.5B:		
3	38	FY 2011=2012.....	\$	415,181
3	39	FY 2012=2013.....	\$	415,181
3	40	8. For costs associated with producing		
3	41	transportation maps:		
3	42	FY 2011=2012.....	\$	242,000
3	43	FY 2012=2013.....	\$	242,000
3	44	9. For inventory and equipment replacement:		
3	45	FY 2011=2012.....	\$	5,366,000
3	46	FY 2012=2013.....	\$	5,366,000
3	47	10. For utility improvements at various locations:		
3	48	FY 2011=2012.....	\$	400,000
3	49	FY 2012=2013.....	\$	400,000
3	50	11. For roofing projects at various locations:		



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4	1	FY 2011=2012.....	\$	200,000
4	2	FY 2012=2013.....	\$	200,000
4	3	12. For heating, cooling, and exhaust system		
4	4	improvements at various locations:		
4	5	FY 2011=2012.....	\$	400,000
4	6	FY 2012=2013.....	\$	200,000
4	7	13. For deferred maintenance projects at field		
4	8	facilities throughout the state:		
4	9	FY 2011=2012.....	\$	1,000,000
4	10	FY 2012=2013.....	\$	1,000,000
4	11	14. For elevator upgrades at the Ames complex:		
4	12	FY 2011=2012.....	\$	100,000
4	13	FY 2012=2013.....	\$	0
4	14	15. For wastewater treatment improvements at		
4	15	various locations:		
4	16	FY 2011=2012.....	\$	1,000,000
4	17	FY 2012=2013.....	\$	1,000,000
4	18	16. For replacement of the Swea City garage:		
4	19	FY 2011=2012.....	\$	2,100,000
4	20	FY 2012=2013.....	\$	0
4	21	17. For replacement of the New Hampton combined		
4	22	facility:		
4	23	FY 2011=2012.....	\$	0
4	24	FY 2012=2013.....	\$	5,200,000
4	25	For purposes of section 8.33, unless specifically		
4	26	provided otherwise, moneys appropriated in subsections		
4	27	10 through 17 that remain unencumbered or unobligated		
4	28	shall not revert but shall remain available for		
4	29	expenditure for the purposes designated until the close		
4	30	of the fiscal year that ends three years after the end		
4	31	of the fiscal year for which the appropriation was		
4	32	made. However, if the project or projects for which		
4	33	such appropriation was made are completed in an earlier		
4	34	fiscal year, unencumbered or unobligated moneys shall		
4	35	revert at the close of that same fiscal year.>		
4	36	#2. By renumbering as necessary.		

HUSEMAN of Cherokee
HF642.1828 (1) 84
dea/tm



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House Amendment 1478

PAG LIN

1 1 Amend House File 581 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 280.13C Brain injury
1 5 policies.
1 6 1. a. The Iowa high school athletic association
1 7 and the Iowa girls high school athletic union shall
1 8 work together to distribute the guidelines of the
1 9 centers for disease control and prevention of the
1 10 United States department of health and human services
1 11 and other pertinent information to inform and educate
1 12 coaches, students, and the parents and guardians
1 13 of students of the risks, signs, symptoms, and
1 14 behaviors consistent with a concussion or brain injury,
1 15 including the danger of continuing to participate
1 16 in extracurricular interscholastic activities after
1 17 suffering a concussion or brain injury and their
1 18 responsibility to report such signs, symptoms, and
1 19 behaviors if they occur.
1 20 b. Annually, each school district and nonpublic
1 21 school shall provide to the parent or guardian of each
1 22 student a concussion and brain injury information
1 23 sheet, as provided by the Iowa high school athletic
1 24 association and the Iowa girls high school athletic
1 25 union. The student and the student's parent or
1 26 guardian shall sign and return the concussion and brain
1 27 injury information sheet to the student's school prior
1 28 to the student's participation in any extracurricular
1 29 interscholastic activity for grades seven through
1 30 twelve.
1 31 2. If a student's coach or contest official
1 32 observes signs, symptoms, or behaviors consistent with
1 33 a concussion or brain injury in an extracurricular
1 34 interscholastic activity, the student shall be
1 35 immediately removed from participation.
1 36 3. a. A student who has been removed from
1 37 participation shall not recommence such participation
1 38 until the student has been evaluated by a licensed
1 39 health care provider trained in the evaluation and
1 40 management of concussions and other brain injuries and
1 41 the student has received written clearance to return to
1 42 participation from the health care provider.
1 43 b. For the purposes of this section, a "licensed
1 44 health care provider" means a physician, physician
1 45 assistant, chiropractor, advanced registered nurse
1 46 practitioner, nurse, physical therapist, or athletic
1 47 trainer licensed by a board designated under section
1 48 147.13.
1 49 c. For the purposes of this section, an
1 50 "extracurricular interscholastic activity" means any



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- 2 1 extracurricular interscholastic activity, contest, or
- 2 2 practice, including sports, dance, or cheerleading.>

LOFGREN of Muscatine
HF581.1994 (1) 84
je/nh



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House Amendment 1479

PAG LIN

1 1 Amend Senate File 495, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking page 5, line 35, through page 6,
1 4 line 28, and inserting:
1 5 <p. Consider the views of area agencies on aging,
1 6 older individuals, long-term care consumers, and
1 7 providers of long-term care in planning and operating
1 8 the programs under this subchapter.>
1 9 #2. By striking page 7, line 33, through page 8,
1 10 line 14.
1 11 #3. Page 8, line 15, by striking <4. 5.> and
1 12 inserting <4.>
1 13 #4. Page 9, line 3, by striking <5. 6.> and
1 14 inserting <5.>
1 15 #5. Page 9, by striking lines 16 through 18 and
1 16 inserting:
1 17 <~~e.~~ b. ~~Communicate~~ Seek consent from and
1 18 ~~communicate~~ privately and without restriction with,
1 19 any resident, ~~tenant~~, legal representative, or other
1 20 representative who consents to communication.>
1 21 #6. Page 9, line 24, by striking <6. 7.> and
1 22 inserting <6.>
1 23 #7. Page 10, line 33, by striking <7. 8.> and
1 24 inserting <7.>
1 25 #8. Page 11, line 21, by striking <8. 9.> and
1 26 inserting <8.>
1 27 #9. Page 11, line 29, by striking <9. 10.> and
1 28 inserting <9.>
1 29 #10. Page 12, line 6, by striking <10. 11.> and
1 30 inserting <10.>
1 31 #11. Page 12, line 12, by striking <11. 12.> and
1 32 inserting <11.>
1 33 #12. Page 12, line 31, after <consent> by inserting
1 34 <and the resident does not have a guardian or legal
1 35 representative>
1 36 #13. Page 12, line 33, by striking <12. 13.> and
1 37 inserting <12.>
1 38 #14. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
L. MILLER of Scott, Chairperson
SF495.1915 (3) 84
pf/nh



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House Amendment 1480

PAG LIN

1 1 Amend Senate File 511, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. JUDICIAL BRANCH.
1 6 1. There is appropriated from the general fund of
1 7 the state to the judicial branch for the fiscal year
1 8 beginning July 1, 2011, and ending June 30, 2012, the
1 9 following amount, or so much thereof as is necessary,
1 10 to be used for the purposes designated:
1 11 a. For salaries of supreme court justices,
1 12 appellate court judges, district court judges, district
1 13 associate judges, judicial magistrates and staff,
1 14 state court administrator, clerk of the supreme
1 15 court, district court administrators, clerks of the
1 16 district court, juvenile court officers, board of law
1 17 examiners and board of examiners of shorthand reporters
1 18 and judicial qualifications commission; receipt and
1 19 disbursement of child support payments; reimbursement
1 20 of the auditor of state for expenses incurred in
1 21 completing audits of the offices of the clerks of the
1 22 district court during the fiscal year beginning July
1 23 1, 2011; and maintenance, equipment, and miscellaneous
1 24 purposes:
1 25 \$154,111,822
1 26 b. For deposit in the revolving fund created
1 27 pursuant to section 602.1302, subsection 3, for jury
1 28 and witness fees, mileage, costs related to summoning
1 29 jurors, fees for interpreters, and reimbursement of
1 30 attorney fees paid by the state public defender:
1 31 \$ 2,300,000
1 32 2. The judicial branch, except for purposes of
1 33 internal processing, shall use the current state budget
1 34 system, the state payroll system, and the Iowa finance
1 35 and accounting system in administration of programs
1 36 and payments for services, and shall not duplicate the
1 37 state payroll, accounting, and budgeting systems.
1 38 3. The judicial branch shall submit monthly
1 39 financial statements to the legislative services
1 40 agency and the department of management containing
1 41 all appropriated accounts in the same manner as
1 42 provided in the monthly financial status reports and
1 43 personal services usage reports of the department
1 44 of administrative services. The monthly financial
1 45 statements shall include a comparison of the dollars
1 46 and percentage spent of budgeted versus actual revenues
1 47 and expenditures on a cumulative basis for full-time
1 48 equivalent positions and dollars.
1 49 4. The judicial branch shall focus efforts upon the
1 50 collection of delinquent fines, penalties, court costs,



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2 1 fees, surcharges, or similar amounts.
2 2 5. The judicial branch shall open the offices of
2 3 the clerk of the district court in all 99 counties
2 4 from 8:00 a.m. until 4:30 p.m. during each business
2 5 day the judicial branch is open for business in order
2 6 to address the relative needs of the citizens of each
2 7 county.
2 8 6. In addition to the requirements for transfers
2 9 under section 8.39, the judicial branch shall not
2 10 change the appropriations from the amounts appropriated
2 11 to the judicial branch in this Act, unless notice of
2 12 the revisions is given prior to their effective date
2 13 to the legislative services agency. The notice shall
2 14 include information on the branch's rationale for
2 15 making the changes and details concerning the workload
2 16 and performance measures upon which the changes are
2 17 based.
2 18 7. The judicial branch shall submit a semiannual
2 19 update to the legislative services agency specifying
2 20 the amounts of fines, surcharges, and court costs
2 21 collected using the Iowa court information system since
2 22 the last report. The judicial branch shall continue
2 23 to facilitate the sharing of vital sentencing and
2 24 other information with other state departments and
2 25 governmental agencies involved in the criminal justice
2 26 system through the Iowa court information system.
2 27 8. The judicial branch shall provide a report to
2 28 the general assembly by January 1, 2012, concerning
2 29 the amounts received and expended from the enhanced
2 30 court collections fund created in section 602.1304 and
2 31 the court technology and modernization fund created in
2 32 section 602.8108, subsection 7, during the fiscal year
2 33 beginning July 1, 2010, and ending June 30, 2011, and
2 34 the plans for expenditures from each fund during the
2 35 fiscal year beginning July 1, 2011, and ending June 30,
2 36 2012. A copy of the report shall be provided to the
2 37 legislative services agency.
2 38 9. The judicial branch is encouraged to purchase
2 39 products from Iowa state industries, as defined in
2 40 section 904.802, when purchases are required and the
2 41 products are available from Iowa state industries.
2 42 The judicial branch shall obtain bids from Iowa state
2 43 industries for purchases of office furniture during the
2 44 fiscal year beginning July 1, 2011, exceeding \$5,000.
2 45 Sec. 2. CIVIL TRIALS ==== LOCATION. Notwithstanding
2 46 any provision to the contrary, for the fiscal year
2 47 beginning July 1, 2011, and ending June 30, 2012, if
2 48 all parties in a case agree, a civil trial including a
2 49 jury trial may take place in a county contiguous to the
2 50 county with proper jurisdiction, even if the contiguous



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3 1 county is located in an adjacent judicial district or
3 2 judicial election district. If the trial is moved
3 3 pursuant to this section, court personnel shall treat
3 4 the case as if a change of venue occurred. However,
3 5 if a trial is moved to an adjacent judicial district
3 6 or judicial election district, the judicial officers
3 7 serving in the judicial district or judicial election
3 8 district receiving the case shall preside over the
3 9 case.

3 10 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding
3 11 section 602.1509, for the fiscal year beginning July 1,
3 12 2011, a judicial officer may waive travel reimbursement
3 13 for any travel outside the judicial officer's county of
3 14 residence to conduct official judicial business.

3 15 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ====
3 16 LEGISLATIVE SERVICES AGENCY. All reports or copies of
3 17 reports required to be provided by the judicial branch
3 18 for fiscal year 2011=2012 to the legislative services
3 19 agency shall be provided in an electronic format. The
3 20 legislative services agency shall post the reports on
3 21 its internet website and shall notify by electronic
3 22 means all the members of the joint appropriations
3 23 subcommittee on the justice system when a report
3 24 is posted. Upon request, copies of the reports may
3 25 be mailed to members of the joint appropriations
3 26 subcommittee on the justice system.

3 27 Sec. 5. JUDICIAL OFFICER ==== UNPAID
3 28 LEAVE. Notwithstanding the annual salary rates
3 29 for judicial officers established by 2008 Iowa Acts,
3 30 chapter 1191, section 11, for the fiscal year beginning
3 31 July 1, 2011, and ending June 30, 2012, the supreme
3 32 court may by order place all judicial officers on
3 33 unpaid leave status on any day employees of the
3 34 judicial branch are placed on temporary layoff status.
3 35 The biweekly pay of the judicial officers shall be
3 36 reduced accordingly for the pay period in which the
3 37 unpaid leave date occurred in the same manner as for
3 38 noncontract employees of the judicial branch. Through
3 39 the course of the fiscal year, the judicial branch may
3 40 use an amount equal to the aggregate amount of salary
3 41 reductions due to the judicial officer unpaid leave
3 42 days for any purpose other than for judicial salaries.

3 43 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the
3 44 intent of the general assembly that the judicial branch
3 45 utilize the Iowa communications network or other secure
3 46 electronic communications in lieu of traveling for the
3 47 fiscal year beginning July 1, 2011.>
3 48 #2. By renumbering as necessary.



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House Amendment 1481

PAG LIN

1 1 Amend Senate File 510, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. DEPARTMENT OF JUSTICE.
1 6 1. There is appropriated from the general fund
1 7 of the state to the department of justice for the
1 8 fiscal year beginning July 1, 2011, and ending June 30,
1 9 2012, the following amounts, or so much thereof as is
1 10 necessary, to be used for the purposes designated:
1 11 a. For the general office of attorney general for
1 12 salaries, support, maintenance, and miscellaneous
1 13 purposes, including the prosecuting attorneys training
1 14 program, matching funds for federal violence against
1 15 women grant programs, victim assistance grants, office
1 16 of drug control policy prosecuting attorney program,
1 17 and odometer fraud enforcement, and for not more than
1 18 the following full-time equivalent positions:
1 19 \$ 7,292,930
1 20 FTEs 212.00
1 21 It is the intent of the general assembly that as
1 22 a condition of receiving the appropriation provided
1 23 in this lettered paragraph, the department of justice
1 24 shall maintain a record of the estimated time incurred
1 25 representing each agency or department.
1 26 b. For victim assistance grants:
1 27 \$ 2,876,400
1 28 The funds appropriated in this lettered paragraph
1 29 shall be used to provide grants to care providers
1 30 providing services to crime victims of domestic abuse
1 31 or to crime victims of rape and sexual assault.
1 32 The balance of the victim compensation fund
1 33 established in section 915.94 may be used to provide
1 34 salary and support of not more than 24 FTEs and
1 35 to provide maintenance for the victim compensation
1 36 functions of the department of justice.
1 37 The department of justice may transfer moneys from
1 38 the victim compensation fund established in section
1 39 915.94 to the victim assistance grant program.
1 40 c. For legal services for persons in poverty grants
1 41 as provided in section 13.34:
1 42 \$ 1,000,000
1 43 2. a. The department of justice, in submitting
1 44 budget estimates for the fiscal year commencing July
1 45 1, 2012, pursuant to section 8.23, shall include a
1 46 report of funding from sources other than amounts
1 47 appropriated directly from the general fund of the
1 48 state to the department of justice or to the office of
1 49 consumer advocate. These funding sources shall include
1 50 but are not limited to reimbursements from other state



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2 1 agencies, commissions, boards, or similar entities, and
2 2 reimbursements from special funds or internal accounts
2 3 within the department of justice. The department of
2 4 justice shall also report actual reimbursements for the
2 5 fiscal year commencing July 1, 2010, and actual and
2 6 expected reimbursements for the fiscal year commencing
2 7 July 1, 2011.

2 8 b. The department of justice shall include the
2 9 report required under paragraph "a", as well as
2 10 information regarding any revisions occurring as a
2 11 result of reimbursements actually received or expected
2 12 at a later date, in a report to the co=chairpersons
2 13 and ranking members of the joint appropriations
2 14 subcommittee on the justice system and the legislative
2 15 services agency. The department of justice shall
2 16 submit the report on or before January 15, 2012.

2 17 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
2 18 appropriated from the department of commerce revolving
2 19 fund created in section 546.12 to the office of
2 20 consumer advocate of the department of justice for the
2 21 fiscal year beginning July 1, 2011, and ending June 30,
2 22 2012, the following amount, or so much thereof as is
2 23 necessary, to be used for the purposes designated:

2 24 For salaries, support, maintenance, miscellaneous
2 25 purposes, and for not more than the following full=time
2 26 equivalent positions:

2 27	\$ 3,136,163
2 28 FTEs	22.00

2 29 Sec. 3. DEPARTMENT OF CORRECTIONS ==== FACILITIES.

2 30 1. There is appropriated from the general fund of
2 31 the state to the department of corrections for the
2 32 fiscal year beginning July 1, 2011, and ending June
2 33 30, 2012, the following amounts, or so much thereof as
2 34 is necessary, to be used for the operation of adult
2 35 correctional institutions, reimbursement of counties
2 36 for certain confinement costs, and federal prison
2 37 reimbursement, to be allocated as follows:

2 38 a. For the operation of the Fort Madison
2 39 correctional facility, including salaries, support,
2 40 maintenance, and miscellaneous purposes:

2 41	\$ 41,031,283
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2 42 b. For the operation of the Anamosa correctional
2 43 facility, including salaries, support, maintenance, and
2 44 miscellaneous purposes:

2 45	\$ 31,985,974
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2 46 c. For the operation of the Oakdale correctional
2 47 facility, including salaries, support, maintenance, and
2 48 miscellaneous purposes:

2 49	\$ 54,374,426
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2 50 d. For the operation of the Newton correctional



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3 1 facility, including salaries, support, maintenance, and
3 2 miscellaneous purposes:
3 3 \$ 25,958,757
3 4 e. For the operation of the Mt. Pleasant
3 5 correctional facility, including salaries, support,
3 6 maintenance, and miscellaneous purposes:
3 7 \$ 25,917,815
3 8 f. For the operation of the Rockwell City
3 9 correctional facility, including salaries, support,
3 10 maintenance, and miscellaneous purposes:
3 11 \$ 9,316,466
3 12 g. For the operation of the Clarinda correctional
3 13 facility, including salaries, support, maintenance, and
3 14 miscellaneous purposes:
3 15 \$ 24,639,518
3 16 Moneys received by the department of corrections as
3 17 reimbursement for services provided to the Clarinda
3 18 youth corporation are appropriated to the department
3 19 and shall be used for the purpose of operating the
3 20 Clarinda correctional facility.
3 21 h. For the operation of the Mitchellville
3 22 correctional facility, including salaries, support,
3 23 maintenance, and miscellaneous purposes:
3 24 \$ 15,615,374
3 25 i. For the operation of the Fort Dodge correctional
3 26 facility, including salaries, support, maintenance, and
3 27 miscellaneous purposes:
3 28 \$ 29,062,235
3 29 j. For reimbursement of counties for temporary
3 30 confinement of work release and parole violators, as
3 31 provided in sections 901.7, 904.908, and 906.17, and
3 32 for offenders confined pursuant to section 904.513:
3 33 \$ 775,092
3 34 k. For federal prison reimbursement, reimbursements
3 35 for out-of-state placements, and miscellaneous
3 36 contracts:
3 37 \$ 239,411
3 38 2. The department of corrections shall use moneys
3 39 appropriated in subsection 1 to continue to contract
3 40 for the services of a Muslim imam and a Native American
3 41 spiritual leader.
3 42 Sec. 4. DEPARTMENT OF CORRECTIONS ====

3 43 ADMINISTRATION. There is appropriated from the general
3 44 fund of the state to the department of corrections for
3 45 the fiscal year beginning July 1, 2011, and ending June
3 46 30, 2012, the following amounts, or so much thereof as
3 47 is necessary, to be used for the purposes designated:
3 48 1. For general administration, including salaries,
3 49 support, maintenance, employment of an education
3 50 director to administer a centralized education



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4 1 program for the correctional system, and miscellaneous
4 2 purposes:
4 3 \$ 4,835,542
4 4 a. It is the intent of the general assembly
4 5 that as a condition of receiving the appropriation
4 6 provided in this lettered paragraph the department of
4 7 corrections shall not, except as otherwise provided
4 8 in paragraph "c", enter into a new contract, unless
4 9 the contract is a renewal of an existing contract,
4 10 for the expenditure of moneys in excess of \$100,000
4 11 during the fiscal year beginning July 1, 2011, for the
4 12 privatization of services performed by the department
4 13 using state employees as of July 1, 2011, or for the
4 14 privatization of new services by the department without
4 15 prior consultation with any applicable state employee
4 16 organization affected by the proposed new contract and
4 17 prior notification of the co=chairpersons and ranking
4 18 members of the joint appropriations subcommittee on the
4 19 justice system.
4 20 b. It is the intent of the general assembly
4 21 that each lease negotiated by the department of
4 22 corrections with a private corporation for the purpose
4 23 of providing private industry employment of inmates in
4 24 a correctional institution shall prohibit the private
4 25 corporation from utilizing inmate labor for partisan
4 26 political purposes for any person seeking election to
4 27 public office in this state and that a violation of
4 28 this requirement shall result in a termination of the
4 29 lease agreement.
4 30 c. It is the intent of the general assembly that as
4 31 a condition of receiving the appropriation provided in
4 32 this subsection the department of corrections shall not
4 33 enter into a lease or contractual agreement pursuant to
4 34 section 904.809 with a private corporation for the use
4 35 of building space for the purpose of providing inmate
4 36 employment without providing that the terms of the
4 37 lease or contract establish safeguards to restrict, to
4 38 the greatest extent feasible, access by inmates working
4 39 for the private corporation to personal identifying
4 40 information of citizens.
4 41 2. For educational programs for inmates at state
4 42 penal institutions:
4 43 \$ 2,308,109
4 44 a. As a condition of receiving the appropriation in
4 45 this subsection, the department of corrections shall
4 46 transfer at least \$300,000 from the canteen operating
4 47 funds established pursuant to section 904.310 to be
4 48 used for correctional educational programs funded in
4 49 this subsection.
4 50 b. It is the intent of the general assembly that



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5 1 moneys appropriated in this subsection shall be used
5 2 solely for the purpose indicated and that the moneys
5 3 shall not be transferred for any other purpose. In
5 4 addition, it is the intent of the general assembly
5 5 that the department shall consult with the community
5 6 colleges in the areas in which the institutions
5 7 are located to utilize moneys appropriated in this
5 8 subsection to fund the high school completion, high
5 9 school equivalency diploma, adult literacy, and adult
5 10 basic education programs in a manner so as to maintain
5 11 these programs at the institutions.
5 12 c. To maximize the funding for educational
5 13 programs, the department shall establish guidelines
5 14 and procedures to prioritize the availability of
5 15 educational and vocational training for inmates based
5 16 upon the goal of facilitating an inmate's successful
5 17 release from the correctional institution.
5 18 d. The director of the department of corrections
5 19 may transfer moneys from Iowa prison industries for use
5 20 in educational programs for inmates.
5 21 e. Notwithstanding section 8.33, moneys
5 22 appropriated in this subsection that remain unobligated
5 23 or unexpended at the close of the fiscal year shall not
5 24 revert but shall remain available to be used only for
5 25 the purposes designated in this subsection until the
5 26 close of the succeeding fiscal year.
5 27 3. For the development of the Iowa corrections
5 28 offender network (ICON) data system:
5 29 \$ 424,364
5 30 4. For offender mental health and substance abuse
5 31 treatment:
5 32 \$ 22,319
5 33 5. For viral hepatitis prevention and treatment:
5 34 \$ 167,881
5 35 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
5 36 CORRECTIONAL SERVICES.
5 37 1. There is appropriated from the general fund of
5 38 the state to the department of corrections for the
5 39 fiscal year beginning July 1, 2011, and ending June
5 40 30, 2012, for salaries, support, maintenance, and
5 41 miscellaneous purposes, the following amounts, or
5 42 so much thereof as is necessary, to be allocated as
5 43 follows:
5 44 a. For the first judicial district department of
5 45 correctional services:
5 46 \$ 12,020,098
5 47 b. For the second judicial district department of
5 48 correctional services:
5 49 \$ 10,336,948
5 50 c. For the third judicial district department of



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6 1 correctional services:
6 2 \$ 5,599,765
6 3 d. For the fourth judicial district department of
6 4 correctional services:
6 5 \$ 5,391,355
6 6 e. For the fifth judicial district department of
6 7 correctional services, including funding for electronic
6 8 monitoring devices for use on a statewide basis:
6 9 \$ 18,742,129
6 10 f. For the sixth judicial district department of
6 11 correctional services:
6 12 \$ 13,112,563
6 13 g. For the seventh judicial district department of
6 14 correctional services:
6 15 \$ 6,492,814
6 16 h. For the eighth judicial district department of
6 17 correctional services:
6 18 \$ 6,731,055
6 19 2. Each judicial district department of
6 20 correctional services, within the funding available,
6 21 shall continue programs and plans established within
6 22 that district to provide for intensive supervision, sex
6 23 offender treatment, diversion of low-risk offenders
6 24 to the least restrictive sanction available, job
6 25 development, and expanded use of intermediate criminal
6 26 sanctions.
6 27 3. Each judicial district department of
6 28 correctional services shall provide alternatives to
6 29 prison consistent with chapter 901B. The alternatives
6 30 to prison shall ensure public safety while providing
6 31 maximum rehabilitation to the offender. A judicial
6 32 district department of correctional services may also
6 33 establish a day program.
6 34 4. The governor's office of drug control policy
6 35 shall consider federal grants made to the department
6 36 of corrections for the benefit of each of the eight
6 37 judicial district departments of correctional services
6 38 as local government grants, as defined pursuant to
6 39 federal regulations.
6 40 5. The department of corrections shall continue
6 41 to contract with a judicial district department
6 42 of correctional services to provide for the rental
6 43 of electronic monitoring equipment which shall be
6 44 available statewide.
6 45 6. A judicial district department of correctional
6 46 services shall accept into the facilities of the
6 47 district department, offenders assigned from other
6 48 judicial district departments of correctional services.
6 49 Sec. 6. DEPARTMENT OF CORRECTIONS ==== REALLOCATION
6 50 OF APPROPRIATIONS. Notwithstanding section 8.39,



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7 1 within the moneys appropriated in this Act to the
7 2 department of corrections, the department may
7 3 reallocate the moneys appropriated and allocated as
7 4 necessary to best fulfill the needs of the correctional
7 5 institutions, administration of the department, and the
7 6 judicial district departments of correctional services.
7 7 However, in addition to complying with the requirements
7 8 of sections 904.116 and 905.8 and providing notice
7 9 to the legislative services agency, the department
7 10 of corrections shall also provide notice to the
7 11 department of management, prior to the effective date
7 12 of the revision or reallocation of an appropriation
7 13 made pursuant to this section. The department of
7 14 corrections shall not reallocate an appropriation or
7 15 allocation for the purpose of eliminating any program.

7 16 Sec. 7. INTENT ==== REPORTS.

7 17 1. The department of corrections in cooperation
7 18 with townships, the Iowa cemetery associations, and
7 19 other nonprofit or governmental entities may use inmate
7 20 labor during the fiscal year beginning July 1, 2011,
7 21 to restore or preserve rural cemeteries and historical
7 22 landmarks. The department in cooperation with the
7 23 counties may also use inmate labor to clean up roads,
7 24 major water sources, and other water sources around the
7 25 state.

7 26 2. On a quarterly basis the department shall
7 27 provide a status report regarding private=sector
7 28 employment to the legislative services agency beginning
7 29 on July 1, 2011. The report shall include the number
7 30 of offenders employed in the private sector, the
7 31 combined number of hours worked by the offenders, the
7 32 total amount of allowances, and the distribution of
7 33 allowances pursuant to section 904.702, including any
7 34 moneys deposited in the general fund of the state.

7 35 Sec. 8. ELECTRONIC MONITORING REPORT. The
7 36 department of corrections shall submit a report on
7 37 electronic monitoring to the general assembly, to the
7 38 co=chairpersons and the ranking members of the joint
7 39 appropriations subcommittee on the justice system, and
7 40 to the legislative services agency by January 15, 2012.
7 41 The report shall specifically address the number of
7 42 persons being electronically monitored and break down
7 43 the number of persons being electronically monitored
7 44 by offense committed. The report shall also include a
7 45 comparison of any data from the prior fiscal year with
7 46 the current year.

7 47 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
7 48 INDUSTRIES.

7 49 1. As used in this section, unless the context
7 50 otherwise requires, "state agency" means the government



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8 1 of the state of Iowa, including but not limited to
8 2 all executive branch departments, agencies, boards,
8 3 bureaus, and commissions, the judicial branch,
8 4 the general assembly and all legislative agencies,
8 5 institutions within the purview of the state board of
8 6 regents, and any corporation whose primary function is
8 7 to act as an instrumentality of the state.

8 8 2. State agencies are hereby encouraged to purchase
8 9 products from Iowa state industries, as defined in
8 10 section 904.802, when purchases are required and the
8 11 products are available from Iowa state industries.
8 12 State agencies shall obtain bids from Iowa state
8 13 industries for purchases of office furniture during the
8 14 fiscal year beginning July 1, 2011, exceeding \$5,000
8 15 or in accordance with applicable administrative rules
8 16 related to purchases for the agency.

8 17 Sec. 10. IOWA LAW ENFORCEMENT ACADEMY.

8 18 1. There is appropriated from the general fund of
8 19 the state to the Iowa law enforcement academy for the
8 20 fiscal year beginning July 1, 2011, and ending June 30,
8 21 2012, the following amount, or so much thereof as is
8 22 necessary, to be used for the purposes designated:

8 23 For salaries, support, maintenance, miscellaneous
8 24 purposes, including jailer training and technical
8 25 assistance, and for not more than the following
8 26 full-time equivalent positions:

8 27	\$	448,500
8 28	FTEs	24.55

8 29 It is the intent of the general assembly that the
8 30 Iowa law enforcement academy may provide training of
8 31 state and local law enforcement personnel concerning
8 32 the recognition of and response to persons with
8 33 Alzheimer's disease.

8 34 The Iowa law enforcement academy may temporarily
8 35 exceed and draw more than the amount appropriated in
8 36 this subsection and incur a negative cash balance as
8 37 long as there are receivables equal to or greater than
8 38 the negative balance and the amount appropriated in
8 39 this subsection is not exceeded at the close of the
8 40 fiscal year.

8 41 2. The Iowa law enforcement academy may select
8 42 at least five automobiles of the department of public
8 43 safety, division of state patrol, prior to turning over
8 44 the automobiles to the department of administrative
8 45 services to be disposed of by public auction, and
8 46 the Iowa law enforcement academy may exchange any
8 47 automobile owned by the academy for each automobile
8 48 selected if the selected automobile is used in training
8 49 law enforcement officers at the academy. However,
8 50 any automobile exchanged by the academy shall be



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9 1 substituted for the selected vehicle of the department
9 2 of public safety and sold by public auction with the
9 3 receipts being deposited in the depreciation fund to
9 4 the credit of the department of public safety, division
9 5 of state patrol.
9 6 Sec. 11. STATE PUBLIC DEFENDER. There is
9 7 appropriated from the general fund of the state to the
9 8 office of the state public defender of the department
9 9 of inspections and appeals for the fiscal year
9 10 beginning July 1, 2011, and ending June 30, 2012, the
9 11 following amounts, or so much thereof as is necessary,
9 12 to be allocated as follows for the purposes designated:
9 13 1. For salaries, support, maintenance,
9 14 miscellaneous purposes, and for not more than the
9 15 following full-time equivalent positions:
9 16 \$ 24,083,182
9 17 FTEs 219.00
9 18 2. For the fees of court-appointed attorneys for
9 19 indigent adults and juveniles, in accordance with
9 20 section 232.141 and chapter 815:
9 21 \$ 29,680,929
9 22 Sec. 12. BOARD OF PAROLE. There is appropriated
9 23 from the general fund of the state to the board of
9 24 parole for the fiscal year beginning July 1, 2011, and
9 25 ending June 30, 2012, the following amount, or so much
9 26 thereof as is necessary, to be used for the purposes
9 27 designated:
9 28 For salaries, support, maintenance, miscellaneous
9 29 purposes, and for not more than the following full-time
9 30 equivalent positions:
9 31 \$ 1,053,835
9 32 FTEs 12.50
9 33 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
9 34 appropriated from the general fund of the state to
9 35 the department of public defense for the fiscal year
9 36 beginning July 1, 2011, and ending June 30, 2012, the
9 37 following amounts, or so much thereof as is necessary,
9 38 to be used for the purposes designated:
9 39 1. MILITARY DIVISION
9 40 For salaries, support, maintenance, miscellaneous
9 41 purposes, and for not more than the following full-time
9 42 equivalent positions:
9 43 \$ 5,527,042
9 44 FTEs 313.00
9 45 The military division may temporarily exceed
9 46 and draw more than the amount appropriated in this
9 47 subsection and incur a negative cash balance as long
9 48 as there are receivables of federal funds equal to
9 49 or greater than the negative balance and the amount
9 50 appropriated in this subsection is not exceeded at the



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10 1 close of the fiscal year.
10 2 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
10 3 DIVISION
10 4 For salaries, support, maintenance, miscellaneous
10 5 purposes, and for not more than the following full-time
10 6 equivalent positions:
10 7 \$ 1,836,877
10 8 FTEs 40.00
10 9 a. The homeland security and emergency management
10 10 division may temporarily exceed and draw more than the
10 11 amount appropriated in this subsection and incur a
10 12 negative cash balance as long as there are receivables
10 13 of federal funds equal to or greater than the negative
10 14 balance and the amount appropriated in this subsection
10 15 is not exceeded at the close of the fiscal year.
10 16 b. It is the intent of the general assembly that
10 17 the homeland security and emergency management division
10 18 work in conjunction with the department of public
10 19 safety, to the extent possible, when gathering and
10 20 analyzing information related to potential domestic
10 21 or foreign security threats, and when monitoring such
10 22 threats.
10 23 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
10 24 appropriated from the general fund of the state to
10 25 the department of public safety for the fiscal year
10 26 beginning July 1, 2011, and ending June 30, 2012, the
10 27 following amounts, or so much thereof as is necessary,
10 28 to be used for the purposes designated:
10 29 1. For the department's administrative functions,
10 30 including the criminal justice information system, and
10 31 for not more than the following full-time equivalent
10 32 positions:
10 33 \$ 4,007,075
10 34 FTEs 36.00
10 35 2. For the division of criminal investigation,
10 36 including the state's contribution to the peace
10 37 officers' retirement, accident, and disability system
10 38 provided in chapter 97A in the amount of the state's
10 39 normal contribution rate, as defined in section
10 40 97A.8, multiplied by the salaries for which the
10 41 funds are appropriated, to meet federal fund matching
10 42 requirements, and for not more than the following
10 43 full-time equivalent positions:
10 44 \$ 12,533,931
10 45 FTEs 159.10
10 46 The department shall employ one additional special
10 47 agent and one additional criminalist for the purpose
10 48 of investigating cold cases. Prior to employing the
10 49 additional special agent and criminalist authorized
10 50 in this paragraph, the department shall provide a



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11 1 written statement to prospective employees that states
11 2 to the effect that the positions are being funded by
11 3 a temporary federal grant and there are no assurances
11 4 that funds from other sources will be available after
11 5 the federal funding expires. If the federal funding
11 6 for the additional positions expires during the fiscal
11 7 year, the number of full-time equivalent positions
11 8 authorized in this subsection is reduced by 2.00 FTEs.
11 9 3. For the criminalistics laboratory fund created
11 10 in section 691.9:
11 11 \$ 302,345
11 12 4. a. For the division of narcotics enforcement,
11 13 including the state's contribution to the peace
11 14 officers' retirement, accident, and disability system
11 15 provided in chapter 97A in the amount of the state's
11 16 normal contribution rate, as defined in section
11 17 97A.8, multiplied by the salaries for which the
11 18 funds are appropriated, to meet federal fund matching
11 19 requirements, and for not more than the following
11 20 full-time equivalent positions:
11 21 \$ 6,429,884
11 22 FTEs 74.00
11 23 b. For the division of narcotics enforcement for
11 24 undercover purchases:
11 25 \$ 109,042
11 26 5. For the division of state fire marshal, for fire
11 27 protection services as provided through the state fire
11 28 service and emergency response council as created in
11 29 the department, and for the state's contribution to the
11 30 peace officers' retirement, accident, and disability
11 31 system provided in chapter 97A in the amount of the
11 32 state's normal contribution rate, as defined in section
11 33 97A.8, multiplied by the salaries for which the funds
11 34 are appropriated, and for not more than the following
11 35 full-time equivalent positions:
11 36 \$ 4,298,707
11 37 FTEs 55.00
11 38 6. For the division of state patrol, for salaries,
11 39 support, maintenance, workers' compensation costs,
11 40 and miscellaneous purposes, including the state's
11 41 contribution to the peace officers' retirement,
11 42 accident, and disability system provided in chapter 97A
11 43 in the amount of the state's normal contribution rate,
11 44 as defined in section 97A.8, multiplied by the salaries
11 45 for which the funds are appropriated, and for not more
11 46 than the following full-time equivalent positions:
11 47 \$ 51,903,233
11 48 FTEs 513.00
11 49 It is the intent of the general assembly that
11 50 members of the state patrol be assigned to patrol



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12 1 the highways and roads in lieu of assignments for
12 2 inspecting school buses for the school districts.
12 3 7. For deposit in the sick leave benefits fund
12 4 established under section 80.42 for all departmental
12 5 employees eligible to receive benefits for accrued sick
12 6 leave under the collective bargaining agreement:
12 7 \$ 279,517
12 8 8. For costs associated with the training and
12 9 equipment needs of volunteer fire fighters:
12 10 \$ 575,520
12 11 a. Notwithstanding section 8.33, moneys
12 12 appropriated in this subsection that remain
12 13 unencumbered or unobligated at the close of the fiscal
12 14 year shall not revert but shall remain available for
12 15 expenditure only for the purpose designated in this
12 16 subsection until the close of the succeeding fiscal
12 17 year.
12 18 b. Notwithstanding section 8.39, within the
12 19 moneys appropriated in this section, the department
12 20 of public safety may reallocate moneys as necessary
12 21 to best fulfill the needs provided for in the
12 22 appropriation. However, the department shall not
12 23 reallocate an appropriation made to the department
12 24 in this section unless notice of the reallocation
12 25 is given to the legislative services agency and
12 26 the department of management prior to the effective
12 27 date of the reallocation. The notice shall include
12 28 information regarding the rationale for reallocating
12 29 the appropriation. The department shall not reallocate
12 30 an appropriation made in this section for the purpose
12 31 of eliminating any program.
12 32 Sec. 15. GAMING ENFORCEMENT.
12 33 1. There is appropriated from the gaming
12 34 enforcement revolving fund created in section 80.43 to
12 35 the department of public safety for the fiscal year
12 36 beginning July 1, 2011, and ending June 30, 2012, the
12 37 following amount, or so much thereof as is necessary,
12 38 to be used for the purposes designated:
12 39 For any direct and indirect support costs for
12 40 agents and officers of the division of criminal
12 41 investigation's excursion gambling boat, gambling
12 42 structure, and racetrack enclosure enforcement
12 43 activities, including salaries, support, maintenance,
12 44 miscellaneous purposes, and for not more than the
12 45 following full-time equivalent positions:
12 46 \$ 9,836,306
12 47 FTEs 120.00
12 48 2. For each additional license to conduct gambling
12 49 games on an excursion gambling boat, gambling
12 50 structure, or racetrack enclosure issued during



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13 1 the fiscal year beginning July 1, 2011, there is
13 2 appropriated from the gaming enforcement fund to
13 3 the department of public safety for the fiscal year
13 4 beginning July 1, 2011, and ending June 30, 2012, an
13 5 additional amount of not more than \$521,000 to be used
13 6 for not more than 6.00 additional full-time equivalent
13 7 positions.

13 8 3. The department of public safety, with the
13 9 approval of the department of management, may employ
13 10 no more than two special agents and four gaming
13 11 enforcement officers for each additional riverboat
13 12 or gambling structure regulated after July 1, 2011,
13 13 and one special agent for each racing facility which
13 14 becomes operational during the fiscal year which
13 15 begins July 1, 2011. One additional gaming enforcement
13 16 officer, up to a total of four per riverboat or
13 17 gambling structure, may be employed for each riverboat
13 18 or gambling structure that has extended operations to
13 19 24 hours and has not previously operated with a 24-hour
13 20 schedule. Positions authorized in this subsection
13 21 are in addition to the full-time equivalent positions
13 22 otherwise authorized in this section.

13 23 Sec. 16. CIVIL RIGHTS COMMISSION. There is
13 24 appropriated from the general fund of the state to the
13 25 Iowa state civil rights commission for the fiscal year
13 26 beginning July 1, 2011, and ending June 30, 2012, the
13 27 following amount, or so much thereof as is necessary,
13 28 to be used for the purposes designated:

13 29 For salaries, support, maintenance, miscellaneous
13 30 purposes, and for not more than the following full-time
13 31 equivalent positions:

13 32	\$ 1,297,069
13 33	FTEs 28.00

13 34 The Iowa state civil rights commission may enter
13 35 into a contract with a nonprofit organization to
13 36 provide legal assistance to resolve civil rights
13 37 complaints.

13 38 Sec. 17. 2009 Iowa Acts, chapter 178, section 20,
13 39 is amended to read as follows:

13 40 SEC. 20. CONSUMER EDUCATION AND LITIGATION
13 41 FUND. Notwithstanding section 714.16C, for each
13 42 fiscal year of the period beginning July 1, 2008, and
13 43 ending June 30, ~~2011~~ 2013, the annual appropriations
13 44 in section 714.16C, are increased from \$1,125,000 to
13 45 \$1,875,000, and \$75,000 to \$125,000 respectively.
13 46 Moneys appropriated from the consumer education and
13 47 litigation fund may be allocated for cash flow purposes
13 48 to the victim compensation fund established in section
13 49 915.94 during each of the fiscal years enumerated,
13 50 provided that any moneys so allocated are returned to



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14 1 the consumer education and litigation fund by the end
14 2 of each fiscal year an allocation occurs.
14 3 Sec. 18. IOWA COMMUNICATIONS NETWORK. It is the
14 4 intent of the general assembly that the executive
14 5 branch agencies receiving an appropriation in this Act
14 6 utilize the Iowa communications network or secure other
14 7 electronic communications in lieu of traveling for the
14 8 fiscal year addressed by the appropriations.
14 9 Sec. 19. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
14 10 DIVISION. There is appropriated from the wireless
14 11 E911 emergency communications fund created in section
14 12 34A.7A to the administrator of the homeland security
14 13 and emergency management division of the department of
14 14 public defense for the fiscal year beginning July 1,
14 15 2011, and ending June 30, 2012, an amount not exceeding
14 16 \$200,000 to be used for implementation, support, and
14 17 maintenance of the functions of the administrator and
14 18 program manager under chapter 34A and to employ the
14 19 auditor of the state to perform an annual audit of the
14 20 wireless E911 emergency communications fund.
14 21 Sec. 20. SUPERVISORY EMPLOYEES TO OTHER EMPLOYEES
14 22 ==== RATIO. Notwithstanding section 8A.402, subsection
14 23 2, paragraph "g", for the fiscal year beginning July
14 24 1, 2011, the department of corrections, department of
14 25 public safety, and the judicial district departments of
14 26 correctional services shall be exempt from the target
14 27 ratio of supervisory employees to other employees
14 28 otherwise applicable for that fiscal year under section
14 29 8A.402, subsection 2, paragraph "g".>

COMMITTEE ON APPROPRIATIONS
RAECKER of Polk, Chairperson
SF510.2121 (1) 84
jm/jp



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House Amendment 1482

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1 1 Amend House File 591 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 717.1, Code 2011, is amended by
1 5 adding the following new subsections:
1 6 NEW SUBSECTION. 01. "Department" means the
1 7 department of agriculture and land stewardship.
1 8 NEW SUBSECTION. 001. "Electronic mail" means any
1 9 message transmitted through the internet including but
1 10 not limited to messages transmitted from or to any
1 11 address affiliated with an internet site.
1 12 Sec. 2. NEW SECTION. 717.3 Livestock in immediate
1 13 need of sustenance ==== court order.
1 14 1. This section applies only to livestock which are
1 15 cattle, sheep, swine, or poultry.
1 16 2. For purposes of this section, "interested person"
1 17 means all of the following:
1 18 a. An owner of the livestock.
1 19 b. A person caring for the livestock, if different
1 20 from the owner of the livestock.
1 21 c. A person holding a perfected agricultural lien
1 22 or security interest in the livestock under chapter
1 23 554.
1 24 3. The department may determine that some or all
1 25 of the livestock kept by a person are in immediate
1 26 need of sustenance. Upon making the determination the
1 27 department may file a petition with a district court
1 28 in a county where some or all of the livestock are
1 29 kept requesting the court to issue an order to provide
1 30 sustenance of the livestock. The petition may be made
1 31 separately or with a petition filed pursuant to section
1 32 717.5. The petition must at least include all of the
1 33 following:
1 34 a. A statement signed by a veterinarian licensed
1 35 pursuant to chapter 169 stating that the livestock are
1 36 in immediate need of sustenance.
1 37 b. The address of each location where the livestock
1 38 are kept.
1 39 c. A brief description of the livestock.
1 40 d. The name and address of each interested person,
1 41 if known.
1 42 e. The name and address of each qualified person
1 43 appointed by the department to provide sustenance to
1 44 the livestock.
1 45 4. Upon receiving the petition, the court may do
1 46 any of the following:
1 47 a. Notify any interested person that the petition
1 48 has been filed with the court. The notification must
1 49 be made in writing and may be delivered by ordinary,
1 50 certified, or restricted certified mail by United



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2 1 States postal service; delivered by a common carrier;
2 2 or transmitted by electronic mail.
2 3 b. Hold a hearing to determine whether the
2 4 livestock are in immediate need of sustenance.
2 5 5. If the court determines that the livestock are
2 6 in immediate need of sustenance, the court shall issue
2 7 an order which at least declares all of the following:
2 8 a. That the livestock are in immediate need of
2 9 sustenance.
2 10 b. That the department shall assume supervision of
2 11 and provide for the sustenance of the livestock and as
2 12 provided in section 717.4.
2 13 c. That a lien is created attaching to the
2 14 livestock and associated proceeds and products as
2 15 provided in section 717.4.
2 16 6. The department shall assume supervision of
2 17 the livestock as provided in the court order. The
2 18 department may directly provide for the sustenance of
2 19 the livestock or appoint a qualified person to provide
2 20 for such sustenance.
2 21 Sec. 3. NEW SECTION. 717.4 Livestock in immediate
2 22 need of sustenance ==== lien.
2 23 1. This section applies to a lien created by a
2 24 court order entered pursuant to section 717.3 or 717.5.
2 25 The court ordered lien is an agricultural lien subject
2 26 to chapter 554 except as otherwise provided in this
2 27 section.
2 28 2. The court ordered lien shall be for the benefit
2 29 of the department. The amount of the lien shall be not
2 30 more than expenses incurred in providing sustenance to
2 31 the livestock pursuant to section 717.3 and providing
2 32 for the disposition of the livestock pursuant to
2 33 section 717.5.
2 34 3. The court ordered lien shall attach to the
2 35 livestock, identifiable proceeds from the disposition
2 36 of the livestock, and products from the livestock in
2 37 the products' unmanufactured states.
2 38 4. The court ordered lien becomes effective on the
2 39 date that the court order is entered. To perfect the
2 40 lien, the department must file a financing statement
2 41 in the office of the secretary of state as provided
2 42 in sections 554.9308 and 554.9310 on or after but not
2 43 later than twenty days after the effective date of
2 44 the lien. For purposes of chapter 554, article 9,
2 45 the department is a secured party; the owner of the
2 46 livestock is a debtor; and the livestock and associated
2 47 proceeds and products as provided in subsection 3 are
2 48 the collateral.
2 49 5. The court ordered lien that is perfected under
2 50 this section is superior to and shall have priority



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3 1 over a conflicting lien or security interest in the
3 2 livestock and associated proceeds and products as
3 3 provided in subsection 3, including a lien or security
3 4 interest that was perfected prior to the perfection of
3 5 the court ordered lien.
3 6 Sec. 4. NEW SECTION. 717.4A Livestock in immediate
3 7 need of sustenance ==== livestock remediation fund.
3 8 The department may utilize the moneys deposited
3 9 into the livestock remediation fund pursuant to
3 10 section 459.501 to pay for any expenses associated
3 11 with providing sustenance to or the disposition of the
3 12 livestock pursuant to a court order entered pursuant to
3 13 section 717.3 or 717.5. The department shall utilize
3 14 moneys from the fund only to the extent that the
3 15 department determines that expenses cannot be timely
3 16 paid by utilizing the available provisions of sections
3 17 717.4 and 717.5. The department shall deposit any
3 18 unexpended and unobligated moneys in the fund. The
3 19 department shall pay the fund the proceeds from the
3 20 disposition of the livestock and associated products
3 21 less expenses incurred by the department in providing
3 22 for the sustenance and disposition of the livestock, as
3 23 provided in section 717.5.
3 24 Sec. 5. Section 717.5, subsections 1 through 3,
3 25 Code 2011, are amended to read as follows:
3 26 1. a. A court shall order the disposition of
3 27 livestock neglected as provided in section 717.2
3 28 ~~after a hearing upon application or petition to the~~
~~3 29 court or livestock in immediate need of sustenance and~~
3 30 associated products as provided in sections 717.3 and
3 31 717.4 in accordance with this section.
3 32 (1) A petition may be filed by a local authority or
3 33 a person owning or caring for the livestock pursuant
3 34 to section 717.2.
3 35 (2) A petition may be filed by the department.
3 36 The court shall notify interested persons in the same
3 37 manner as provided in section 717.3. The petition may
3 38 be filed separately or with a petition filed pursuant
3 39 to section 717.3.
3 40 b. The matter shall be heard by the court within
3 41 ten days from the filing of a the petition by the local
~~3 42 authority or the person.~~
3 43 (1) ~~The~~ For livestock alleged to be neglected under
3 44 section 717.2, the court may continue the hearing for
3 45 up to forty days upon petition by the person. However,
3 46 the person shall post a bond or other security with the
3 47 local authority in an amount determined by the court,
3 48 which shall not be more than the amount sufficient to
3 49 provide for the maintenance of the livestock for forty
3 50 days. The court may grant a subsequent continuance by



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4 1 the person for the same length of time if the person
4 2 submits a new bond or security.
4 3 (2) For livestock alleged to be in immediate need
4 4 of sustenance under section 717.3, the court may
4 5 continue the hearing for up to forty days upon petition
4 6 by the department. The department may file and the
4 7 court may grant one or more subsequent continuances
4 8 each for up to forty days. The department is not
4 9 required to post a bond or other security.

4 10 c. ~~However, the~~ Notwithstanding paragraph "b", the
4 11 court shall order the immediate disposition of ~~the~~
4 12 livestock if the livestock is permanently distressed
4 13 by disease or injury to a degree that would result in
4 14 severe or prolonged suffering.

4 15 2. The hearing to determine if livestock has
4 16 been neglected under section 717.2 for purposes of
4 17 disposition shall be a civil proceeding. If the case
4 18 is related to a criminal proceeding under section
4 19 717.2, the disposition shall not be part of that
4 20 proceeding and shall not be considered a criminal
4 21 penalty imposed on a person found in violation of
4 22 section 717.2.

4 23 3. A court may order a person owning the ~~neglected~~
4 24 livestock neglected under section 717.2 or in immediate
4 25 need of sustenance under section 717.3 to pay an amount
4 26 associated with expenses associated with the livestock
4 27 as follows:

4 28 a. (1) ~~which~~ For livestock neglected under section
4 29 717.2, the amount shall not be more than ~~the~~ for
4 30 expenses incurred by the local authority in maintaining
4 31 and disposing the neglected livestock rescued pursuant
4 32 to section 717.2A, and reasonable attorney fees and
4 33 expenses related to the investigation of the case. The
4 34 remaining amount of a bond or other security posted
4 35 pursuant to ~~this section~~ subsection 1 shall be used to
4 36 reimburse the local authority.

4 37 (2) For livestock in immediate need of sustenance
4 38 under section 717.3, the amount shall not be more than
4 39 for expenses incurred by the department in providing
4 40 sustenance to and disposing of the neglected livestock
4 41 as provided in section 717.3 and this section. The
4 42 amount paid to the department shall be sufficient to
4 43 allow the department to repay the livestock remediation
4 44 fund as provided in section 459.501.

4 45 b. If more than one person has a divisible
4 46 ownership interest in the livestock, the amount
4 47 required to be paid shall be prorated based on the
4 48 percentage of interest in the livestock owned by
4 49 each person. The moneys shall be paid to the local
4 50 authority or department incurring the expense as



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5 1 provided in paragraph "a". The amount shall be
5 2 subtracted from proceeds owed to the owner or owners of
5 3 the livestock, which are received from the sale of the
5 4 livestock ordered by the court.
5 5 c. (1) Moneys owed to the local authority from
5 6 the sale of neglected livestock that have been rescued
5 7 by a local authority pursuant to section 717.2A shall
5 8 be paid to the local authority before satisfying
5 9 indebtedness secured by any security interest in or
5 10 lien on the livestock. Moneys owed to the department
5 11 from the sale of livestock in immediate need of
5 12 sustenance and associated products shall be paid to
5 13 the department according to its priority status as a
5 14 lienholder as provided in section 717.4.
5 15 (2) If an owner of the livestock is a landowner,
5 16 the local authority may submit an amount of the moneys
5 17 owed to the clerk of the county board of supervisors
5 18 who shall report the amount to the county treasurer.
5 19 The amount shall equal the balance remaining after the
5 20 sale of the livestock. If the livestock owner owns a
5 21 percentage of the livestock, the reported amount shall
5 22 equal the remaining balance owed by all landowners
5 23 who own a percentage of the livestock. That amount
5 24 shall be prorated among the landowners based on the
5 25 percentage of interest in the livestock attributable to
5 26 each landowner. The amount shall be placed upon the
5 27 tax books, and collected with interest and penalties
5 28 after due, in the same manner as other unpaid property
5 29 taxes. The county shall reimburse a city within thirty
5 30 days from the collection of the property taxes.
5 31 Sec. 6. NEW SECTION. 717.6 Rulemaking.
5 32 The department may adopt rules pursuant to chapter
5 33 17A as required to implement and administer sections
5 34 717.3 through 717.5.
5 35 Sec. 7. Section 459.501, subsections 1, 3, and 5,
5 36 Code 2011, are amended to read as follows:
5 37 1. A ~~manure storage indemnity~~ livestock remediation
5 38 fund is created as a separate fund in the state
5 39 treasury under the control of the department. The
5 40 general fund of the state is not liable for claims
5 41 presented against the fund.
5 42 3. a. The moneys collected under this section
5 43 shall be deposited in the fund and shall be
5 44 appropriated to the department for the following
5 45 exclusive purpose of providing purposes:
5 46 (1) To provide moneys for cleanup of abandoned
5 47 facilities as provided in section 459.505, and to pay
5 48 the department for costs related to administering the
5 49 provisions of this subchapter. For each fiscal year,
5 50 the department shall not use more than one percent of



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6 1 the total amount which is available in the fund or ten
6 2 thousand dollars, whichever is less, to pay for the
6 3 costs of administration.

6 4 (2) To allocate moneys to the department of
6 5 agriculture and land stewardship for the payment of
6 6 expenses incurred by the department of agriculture and
6 7 land stewardship associated with providing for the
6 8 sustenance and disposition of livestock in immediate
6 9 need of sustenance pursuant to chapter 717. The
6 10 department of natural resources shall allocate any
6 11 amount of unencumbered and unobligated moneys demanded
6 12 in writing by the department of agriculture and land
6 13 stewardship as provided in this subparagraph. The
6 14 department of natural resources shall complete the
6 15 allocation upon receiving the demand.

6 16 b. Moneys in the fund shall not be subject to
6 17 appropriation or expenditure for any other purpose than
6 18 provided in this section.

6 19 5. The following shall apply to moneys in the fund:

6 20 a. (1) The executive council may allocate moneys
6 21 from the general fund of the state as provided in
6 22 section 7D.10A in an amount necessary to support the
6 23 fund, including the following:

6 24 (a) The payment of claims as provided in section
6 25 459.505.

6 26 (b) The allocation of moneys to the department
6 27 of agriculture and land stewardship for the payment
6 28 of expenses incurred by the department of agriculture
6 29 and land stewardship associated with providing for the
6 30 sustenance and disposition of livestock pursuant to
6 31 chapter 717.

6 32 (2) ~~However, an~~ Notwithstanding subparagraph (1),
6 33 the allocation of moneys from the general fund of the
6 34 state shall be made only if the amount of moneys in the
6 35 fund, which are not obligated or encumbered, and not
6 36 counting the department's estimate of the cost to the
6 37 fund for pending or unsettled claims, the amount to be
6 38 allocated to the department of agriculture and land
6 39 stewardship, and any amount required to be credited to
6 40 the general fund of the state under this subsection, is
6 41 less than one million dollars.

6 42 b. The department of natural resources shall credit
6 43 an amount to the general fund of the state which
6 44 is equal to an amount allocated to the fund by the
6 45 executive council under paragraph "a". The department
6 46 shall credit the moneys to the general fund of the
6 47 state if the moneys in the fund which are not obligated
6 48 or encumbered, and not counting the department's
6 49 estimate of the cost to the fund for pending or
6 50 unsettled claims, the amount to be allocated to the



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7 1 department of agriculture and land stewardship, and
7 2 any amount required to be transferred to the general
7 3 fund under this paragraph, are in excess of two million
7 4 five hundred thousand dollars. The department is not
7 5 required to credit the total amount to the general fund
7 6 of the state during any one fiscal year.

7 7 Sec. 8. Section 579A.2, subsection 5, Code 2011, is
7 8 amended to read as follows:

7 9 5. a. ~~Except as provided in this paragraph, a A~~
7 10 custom cattle feedlot lien that is perfected under
7 11 this section is superior to and shall have priority
7 12 over a conflicting lien or security interest in the
7 13 cattle, including a lien or security interest that was
7 14 perfected prior to the perfection of the custom cattle
7 15 feedlot lien. ~~However~~

7 16 b. Notwithstanding paragraph "a", a custom cattle
7 17 feedlot lien shall not be superior to a court=ordered
7 18 lien provided in section 717.4 or a veterinarian's
7 19 lien created under chapter 581, that if such lien
7 20 is perfected as an agricultural lien as provided in
7 21 chapter 554, article 9.

7 22 ~~d. c.~~ c. A custom cattle feedlot lien that is
7 23 effective but not perfected under this section has
7 24 priority as provided in section 554.9322.

7 25 Sec. 9. Section 579B.4, subsection 4, paragraph a,
7 26 Code 2011, is amended to read as follows:

7 27 a. (1) ~~Except as provided in this paragraph, a A~~
7 28 commodity production contract lien that is perfected
7 29 under this section is superior to and shall have
7 30 priority over a conflicting lien or security interest
7 31 in the commodity, including a lien or security interest
7 32 that was perfected prior to the perfection of the
7 33 commodity production contract lien under this chapter.

7 34 ~~However~~

7 35 (2) Notwithstanding subparagraph (1), a commodity
7 36 production contract lien shall not be superior to a
7 37 court ordered lien provided in section 717.4 or a
7 38 veterinarian's lien created under chapter 581, that if
7 39 such lien is perfected as an agricultural lien.

7 40 Sec. 10. Section 581.2, subsection 2, Code 2011, is
7 41 amended to read as follows:

7 42 2. a. A veterinarian's lien that is perfected
7 43 under section 581.3 shall have priority over any
7 44 conflicting security interest or lien in livestock
7 45 treated by a veterinarian, regardless of when such
7 46 security interest or lien is perfected.

7 47 b. Notwithstanding paragraph "a", a veterinarian's
7 48 lien shall not be superior to a court ordered lien
7 49 provided in section 717.4, if such lien is perfected as
7 50 an agricultural lien.



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8 1 Sec. 11. CODE EDITOR DIRECTIVE. Sections 7D.10A,
8 2 459.303, 459.503A, and 460.206, Code 2011, are amended
8 3 by striking from the sections the words "manure storage
8 4 indemnity fund" and inserting in lieu thereof the words
8 5 "livestock remediation fund".>
8 6 #2. By renumbering as necessary.

SWEENEY of Hardin
HF591.2097 (2) 84
da/rj



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House Amendment 1483

PAG LIN

1 1 Amend Senate File 406, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 24, by striking lines 10 through 21 and
1 4 inserting:
1 5 <NEW SUBSECTION. 7. An insurance producer shall
1 6 use reasonable care, diligence, and judgment in
1 7 procuring the insurance requested by a customer.>

GARRETT of Warren
SF406.2135 (1) 84
av/sc



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House Amendment 1484

PAG LIN

- 1 1 Amend Senate File 406, as amended, passed, and
- 1 2 reprinted by the Senate, as follows:
- 1 3 #1. Page 24, by striking lines 8 through 21.
- 1 4 #2. By renumbering as necessary.

GARRETT of Warren

ANDERSON of Page
SF406.2124 (1) 84
av/sc



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House Amendment 1485

PAG LIN

1 1 Amend Senate File 508, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <DIVISION I
1 5 FY 2011=2012>
1 6 #2. Page 16, after line 15 by inserting:
1 7 <DIVISION II
1 8 FY 2012=2013
1 9 Sec. 19. SUBSTANCE ABUSE APPROPRIATION.
1 10 1. There is appropriated from the fund created by
1 11 section 8.41 to the department of public health for
1 12 the federal fiscal year beginning October 1, 2012, and
1 13 ending September 30, 2013, the following amount:
1 14 \$ 13,571,229
1 15 a. Funds appropriated in this subsection are the
1 16 anticipated funds to be received from the federal
1 17 government for the designated federal fiscal year
1 18 under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart
1 19 ii, which provides for the prevention and treatment
1 20 of substance abuse block grant. The department shall
1 21 expend the funds appropriated in this subsection as
1 22 provided in the federal law making the funds available
1 23 and in conformance with chapter 17A.
1 24 b. Of the funds appropriated in this subsection,
1 25 an amount not exceeding 5 percent shall be used by the
1 26 department for administrative expenses.
1 27 c. The department shall expend no less than an
1 28 amount equal to the amount expended for treatment
1 29 services in the state fiscal year beginning July 1,
1 30 2011, for pregnant women and women with dependent
1 31 children.
1 32 d. Of the funds appropriated in this subsection, an
1 33 amount not exceeding \$24,585 shall be used for audits.
1 34 2. At least 20 percent of the funds remaining
1 35 from the appropriation made in subsection 1 shall be
1 36 allocated for prevention programs.
1 37 3. In implementing the federal prevention and
1 38 treatment of substance abuse block grant under 42
1 39 U.S.C., ch. 6A, subch. XVII, and any other applicable
1 40 provisions of the federal Public Health Service Act
1 41 under 42 U.S.C., ch. 6A, the department shall apply the
1 42 provisions of Pub. L. No. 106=310, { 3305, as codified
1 43 in 42 U.S.C. { 300x=65, relating to services under
1 44 such federal law being provided by religious and other
1 45 nongovernmental organizations.
1 46 Sec. 20. COMMUNITY MENTAL HEALTH SERVICES
1 47 APPROPRIATION.
1 48 1. a. There is appropriated from the fund created
1 49 by section 8.41 to the department of human services for
1 50 the federal fiscal year beginning October 1, 2012, and



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2 1 ending September 30, 2013, the following amount:
2 2 \$ 3,370,840
2 3 b. Funds appropriated in this subsection are the
2 4 anticipated funds to be received from the federal
2 5 government for the designated federal fiscal year
2 6 under 42 U.S.C., ch. 6A, subch. XVII, part B, subpart
2 7 i, which provides for the community mental health
2 8 services block grant. The department shall expend
2 9 the funds appropriated in this subsection as provided
2 10 in the federal law making the funds available and in
2 11 conformance with chapter 17A.
2 12 c. The department shall allocate not less than 95
2 13 percent of the amount of the block grant to eligible
2 14 community mental health services providers for
2 15 carrying out the plan submitted to and approved by the
2 16 federal substance abuse and mental health services
2 17 administration for the fiscal year involved.
2 18 d. Of the amount allocated to eligible services
2 19 providers under paragraph "c", 70 percent shall be
2 20 distributed to the state's accredited community mental
2 21 health centers established or designated by counties
2 22 in accordance with law or administrative rule. If a
2 23 county has not established or designated a community
2 24 mental health center and has received a waiver from
2 25 the mental health and disability services commission,
2 26 the mental health services provider designated by that
2 27 county is eligible to receive funding distributed
2 28 pursuant to this paragraph in lieu of a community
2 29 mental health center. The funding distributed shall
2 30 be used by recipients of the funding for the purpose
2 31 of developing and providing evidence-based practices
2 32 and emergency services to adults with a serious
2 33 mental illness and children with a serious emotional
2 34 disturbance. The distribution amounts shall be
2 35 announced at the beginning of the federal fiscal year
2 36 and distributed on a quarterly basis according to the
2 37 formulas used in previous fiscal years. Recipients
2 38 shall submit quarterly reports containing data
2 39 consistent with the performance measures approved by
2 40 the federal substance abuse and mental health services
2 41 administration.
2 42 2. An amount not exceeding 5 percent of the
2 43 funds appropriated in subsection 1 shall be used by
2 44 the department of human services for administrative
2 45 expenses. From the funds set aside by this subsection
2 46 for administrative expenses, the department shall pay
2 47 to the auditor of state an amount sufficient to pay
2 48 the cost of auditing the use and administration of the
2 49 state's portion of the funds appropriated in subsection
2 50 1. The auditor of state shall bill the department for



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3 1 the costs of the audits.
3 2 Sec. 21. MATERNAL AND CHILD HEALTH SERVICES
3 3 APPROPRIATIONS.
3 4 1. There is appropriated from the fund created by
3 5 section 8.41 to the department of public health for
3 6 the federal fiscal year beginning October 1, 2012, and
3 7 ending September 30, 2013, the following amount:
3 8 \$ 6,529,540
3 9 a. The funds appropriated in this subsection are
3 10 the funds anticipated to be received from the federal
3 11 government for the designated federal fiscal year under
3 12 42 U.S.C., ch. 7, subch. V, which provides for the
3 13 maternal and child health services block grant. The
3 14 department shall expend the funds appropriated in this
3 15 subsection as provided in the federal law making the
3 16 funds available and in conformance with chapter 17A.
3 17 b. Funds appropriated in this subsection shall not
3 18 be used by the university of Iowa hospitals and clinics
3 19 for indirect costs.
3 20 2. An amount not exceeding 10 percent of the
3 21 funds appropriated in subsection 1 shall be used by
3 22 the department of public health for administrative
3 23 expenses.
3 24 3. The departments of public health, human
3 25 services, and education and the university of Iowa's
3 26 mobile and regional child health specialty clinics
3 27 shall continue to pursue to the maximum extent feasible
3 28 the coordination and integration of services to women
3 29 and children.
3 30 4. a. Sixty=three percent of the remaining funds
3 31 appropriated in subsection 1 shall be allocated to
3 32 supplement appropriations for maternal and child health
3 33 programs within the department of public health. Of
3 34 these funds, \$300,291 shall be set aside for the
3 35 statewide perinatal care program.
3 36 b. Thirty=seven percent of the remaining funds
3 37 appropriated in subsection 1 shall be allocated to
3 38 the university of Iowa hospitals and clinics under
3 39 the control of the state board of regents for mobile
3 40 and regional child health specialty clinics. The
3 41 university of Iowa hospitals and clinics shall not
3 42 receive an allocation for indirect costs from the
3 43 funds for this program. Priority shall be given to
3 44 establishment and maintenance of a statewide system of
3 45 mobile and regional child health specialty clinics.
3 46 5. The department of public health shall administer
3 47 the statewide maternal and child health program and the
3 48 disabled children's program by conducting mobile and
3 49 regional child health specialty clinics and conducting
3 50 other activities to improve the health of low=income



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4 1 women and children and to promote the welfare of
4 2 children with actual or potential handicapping
4 3 conditions and chronic illnesses in accordance with the
4 4 requirements of Tit. V of the federal Social Security
4 5 Act.
4 6 Sec. 22. PREVENTIVE HEALTH AND HEALTH SERVICES
4 7 APPROPRIATIONS.
4 8 1. There is appropriated from the fund created by
4 9 section 8.41 to the department of public health for
4 10 the federal fiscal year beginning October 1, 2012, and
4 11 ending September 30, 2013, the following amount:
4 12 \$ 1,102,464
4 13 Funds appropriated in this subsection are the funds
4 14 anticipated to be received from the federal government
4 15 for the designated federal fiscal year under 42 U.S.C.,
4 16 ch. 6A, subch. XVII, part A, which provides for the
4 17 preventive health and health services block grant. The
4 18 department shall expend the funds appropriated in this
4 19 subsection as provided in the federal law making the
4 20 funds available and in conformance with chapter 17A.
4 21 2. Of the funds appropriated in subsection 1, an
4 22 amount not exceeding 10 percent shall be used by the
4 23 department for administrative expenses.
4 24 3. Of the funds appropriated in subsection 1, the
4 25 specific amount of funds stipulated by the notice of
4 26 the block grant award shall be allocated for services
4 27 to victims of sex offenses and for rape prevention
4 28 education.
4 29 4. After deducting the funds allocated in
4 30 subsections 2 and 3, the remaining funds appropriated
4 31 in subsection 1 may be used by the department for
4 32 healthy people 2011/healthy Iowans 2011 program
4 33 objectives, preventive health advisory committee,
4 34 and risk reduction services, including nutrition
4 35 programs, health incentive programs, chronic disease
4 36 services, emergency medical services, monitoring of the
4 37 fluoridation program and start-up fluoridation grants,
4 38 and acquired immune deficiency syndrome services. The
4 39 moneys specified in this subsection shall not be used
4 40 by the university of Iowa hospitals and clinics or
4 41 by the state hygienic laboratory for the funding of
4 42 indirect costs.
4 43 Sec. 23. STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM
4 44 APPROPRIATION.
4 45 1. There is appropriated from the fund created
4 46 by section 8.41 to the department of justice for the
4 47 federal fiscal year beginning October 1, 2012, and
4 48 ending September 30, 2013, the following amount:
4 49 \$ 1,588,692
4 50 Funds appropriated in this subsection are the



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5 1 anticipated funds to be received from the federal
5 2 government for the designated fiscal year under 42
5 3 U.S.C., ch. 46, { 3796gg=1, which provides for grants
5 4 to combat violent crimes against women. The department
5 5 of justice shall expend the funds appropriated in this
5 6 subsection as provided in the federal law making the
5 7 funds available and in conformance with chapter 17A.
5 8 2. An amount not exceeding 10 percent of the funds
5 9 appropriated in subsection 1 shall be used by the
5 10 department of justice for administrative expenses.
5 11 From the funds set aside by this subsection for
5 12 administrative expenses, the department shall pay to
5 13 the auditor of state an amount sufficient to pay the
5 14 cost of auditing the use and administration of the
5 15 state's portion of the funds appropriated in subsection
5 16 1.

5 17 Sec. 24. RESIDENTIAL SUBSTANCE ABUSE TREATMENT
5 18 FOR STATE PRISONERS FORMULA GRANT PROGRAM. There is
5 19 appropriated from the fund created by section 8.41 to
5 20 the governor's office of drug control policy for the
5 21 federal fiscal year beginning October 1, 2012, and
5 22 ending September 30, 2013, the following amount:

5 23 \$ 246,826

5 24 Funds appropriated in this section are the funds
5 25 anticipated to be received from the federal government
5 26 for the designated fiscal year under 42 U.S.C., ch. 46,
5 27 subch. XII=G, which provides grants for substance abuse
5 28 treatment programs in state and local correctional
5 29 facilities. The drug policy coordinator shall expend
5 30 the funds appropriated in this section as provided
5 31 in federal law making the funds available and in
5 32 conformance with chapter 17A.

5 33 Sec. 25. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
5 34 GRANT PROGRAM APPROPRIATION.

5 35 1. There is appropriated from the fund created by
5 36 section 8.41 to the governor's office of drug control
5 37 policy for the federal fiscal year beginning October
5 38 1, 2012, and ending September 30, 2013, the following
5 39 amount:

5 40 \$ 2,974,695

5 41 Funds appropriated in this subsection are the
5 42 anticipated funds to be received from the federal
5 43 government for the designated fiscal year under
5 44 42 U.S.C., ch. 46, subch. V, which provides for
5 45 the Edward Byrne memorial justice assistance grant
5 46 program. The drug policy coordinator shall expend
5 47 the funds appropriated in this subsection as provided
5 48 in the federal law making the funds available and in
5 49 conformance with chapter 17A.

5 50 2. An amount not exceeding 10 percent of the funds



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6 1 appropriated in subsection 1 shall be used by the
6 2 drug policy coordinator for administrative expenses.
6 3 From the funds set aside by this subsection for
6 4 administrative expenses, the drug policy coordinator
6 5 shall pay to the auditor of state an amount sufficient
6 6 to pay the cost of auditing the use and administration
6 7 of the state's portion of the funds appropriated in
6 8 subsection 1.

6 9 Sec. 26. COMMUNITY SERVICES APPROPRIATIONS.

6 10 1. a. There is appropriated from the fund created
6 11 by section 8.41 to the division of community action
6 12 agencies of the department of human rights for the
6 13 federal fiscal year beginning October 1, 2012, and
6 14 ending September 30, 2013, the following amount:
6 15 \$ 7,540,877

6 16 Funds appropriated in this subsection are the funds
6 17 anticipated to be received from the federal government
6 18 for the designated federal fiscal year under 42 U.S.C.,
6 19 ch. 106, which provides for the community services
6 20 block grant. The division of community action agencies
6 21 of the department of human rights shall expend the
6 22 funds appropriated in this subsection as provided
6 23 in the federal law making the funds available and in
6 24 conformance with chapter 17A.

6 25 b. The administrator of the division of community
6 26 action agencies of the department of human rights shall
6 27 allocate not less than 96 percent of the amount of
6 28 the block grant to eligible community action agencies
6 29 for programs benefiting low-income persons. Each
6 30 eligible agency shall receive a minimum allocation of
6 31 not less than \$100,000. The minimum allocation shall
6 32 be achieved by redistributing increased funds from
6 33 agencies experiencing a greater share of available
6 34 funds. The funds shall be distributed on the basis of
6 35 the poverty-level population in the area represented by
6 36 the community action areas compared to the size of the
6 37 poverty-level population in the state.

6 38 2. An amount not exceeding 4 percent of the funds
6 39 appropriated in subsection 1 shall be used by the
6 40 division of community action agencies of the department
6 41 of human rights for administrative expenses. From the
6 42 funds set aside by this subsection for administrative
6 43 expenses, the division of community action agencies
6 44 of the department of human rights shall pay to the
6 45 auditor of state an amount sufficient to pay the cost
6 46 of auditing the use and administration of the state's
6 47 portion of the funds appropriated in subsection 1. The
6 48 auditor of state shall bill the division of community
6 49 action agencies for the costs of the audits.

6 50 Sec. 27. COMMUNITY DEVELOPMENT APPROPRIATIONS.



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7 1 1. There is appropriated from the fund created by
7 2 section 8.41 to the department of economic development
7 3 for the federal fiscal year beginning October 1, 2012,
7 4 and ending September 30, 2013, the following amount:
7 5 \$ 28,514,788

7 6 Funds appropriated in this subsection are the funds
7 7 anticipated to be received from the federal government
7 8 for the designated federal fiscal year under 42 U.S.C.,
7 9 ch. 69, which provides for community development block
7 10 grants. The department of economic development shall
7 11 expend the funds appropriated in this subsection as
7 12 provided in the federal law making the funds available
7 13 and in conformance with chapter 17A.

7 14 2. An amount not exceeding \$1,240,000 for the
7 15 federal fiscal year beginning October 1, 2012, shall
7 16 be used by the department of economic development for
7 17 administrative expenses for the community development
7 18 block grant. The total amount used for administrative
7 19 expenses includes \$670,000 for the federal fiscal year
7 20 beginning October 1, 2012, of funds appropriated in
7 21 subsection 1 and a matching contribution from the state
7 22 equal to \$570,000 from the appropriation of state funds
7 23 for the community development block grant and state
7 24 appropriations for related activities of the department
7 25 of economic development. From the funds set aside
7 26 for administrative expenses by this subsection, the
7 27 department of economic development shall pay to the
7 28 auditor of state an amount sufficient to pay the cost
7 29 of auditing the use and administration of the state's
7 30 portion of the funds appropriated in subsection 1. The
7 31 auditor of state shall bill the department for the
7 32 costs of the audit.

7 33 Sec. 28. LOW=INCOME HOME ENERGY ASSISTANCE
7 34 APPROPRIATIONS.

7 35 1. There is appropriated from the fund created
7 36 by section 8.41 to the division of community action
7 37 agencies of the department of human rights for the
7 38 federal fiscal year beginning October 1, 2012, and
7 39 ending September 30, 2013, the following amount:
7 40 \$ 70,527,851

7 41 The funds appropriated in this subsection are the
7 42 funds anticipated to be received from the federal
7 43 government for the designated federal fiscal year under
7 44 42 U.S.C., ch. 94, subch. II, which provides for the
7 45 low=income home energy assistance block grants. The
7 46 division of community action agencies of the department
7 47 of human rights shall expend the funds appropriated in
7 48 this subsection as provided in the federal law making
7 49 the funds available and in conformance with chapter
7 50 17A.



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8 1 2. Up to 15 percent of the amount appropriated in
8 2 this section that is actually received shall be used
8 3 for residential weatherization or other related home
8 4 repairs for low-income households. Of this allocation
8 5 amount, not more than 10 percent may be used for
8 6 administrative expenses.
8 7 3. After subtracting the allocation in subsection
8 8 2, up to 10 percent of the remaining moneys are
8 9 allocated for administrative expenses of the low-income
8 10 home energy assistance program of which \$377,000 is
8 11 allocated for administrative expenses of the division.
8 12 The costs of auditing the use and administration of
8 13 the portion of the appropriation in this section that
8 14 is retained by the state shall be paid from the amount
8 15 allocated in this subsection to the division. The
8 16 auditor of state shall bill the division for the audit
8 17 costs.
8 18 4. The remaining moneys of the appropriation
8 19 in this section following the allocations made in
8 20 subsections 2 and 3, shall be used to help eligible
8 21 households as defined in 42 U.S.C., ch. 94, subch. II,
8 22 to meet home energy costs.
8 23 5. Not more than 10 percent of the amount
8 24 appropriated in this section that is actually received
8 25 may be carried forward for use in the succeeding
8 26 federal fiscal year.
8 27 6. Expenditures for assessment and resolution of
8 28 energy problems shall be limited to not more than 5
8 29 percent of the amount appropriated in this section that
8 30 is actually received.

8 31 Sec. 29. SOCIAL SERVICES APPROPRIATIONS.

8 32 1. There is appropriated from the fund created by
8 33 section 8.41 to the department of human services for
8 34 the federal fiscal year beginning October 1, 2012, and
8 35 ending September 30, 2013, the following amount:
8 36 \$ 16,562,583

8 37 Funds appropriated in this subsection are the
8 38 funds anticipated to be received from the federal
8 39 government for the designated federal fiscal year under
8 40 42 U.S.C., ch. 7, subch. XX, which provides for the
8 41 social services block grant. The department of human
8 42 services shall expend the funds appropriated in this
8 43 subsection as provided in the federal law making the
8 44 funds available and in conformance with chapter 17A.

8 45 2. Not more than \$1,065,917 of the funds
8 46 appropriated in subsection 1 shall be used by
8 47 the department of human services for general
8 48 administration. From the funds set aside in this
8 49 subsection for general administration, the department
8 50 of human services shall pay to the auditor of state an



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9 1 amount sufficient to pay the cost of auditing the use
9 2 and administration of the state's portion of the funds
9 3 appropriated in subsection 1.
9 4 3. In addition to the allocation for general
9 5 administration in subsection 2, the remaining funds
9 6 appropriated in subsection 1 shall be allocated in the
9 7 following amounts to supplement appropriations for the
9 8 federal fiscal year beginning October 1, 2012, for
9 9 the following programs within the department of human
9 10 services:
9 11 a. Field operations:
9 12 \$ 6,375,369
9 13 b. Child and family services:
9 14 \$ 824,195
9 15 c. Local administrative costs and other local
9 16 services:
9 17 \$ 676,125
9 18 d. Volunteers:
9 19 \$ 74,023
9 20 e. MH/MR/DD/BI community services (local purchase):
9 21 \$ 7,546,954
9 22 Sec. 30. SOCIAL SERVICES BLOCK GRANT PLAN. The
9 23 department of human services during each state fiscal
9 24 year shall develop a plan for the use of federal social
9 25 services block grant funds for the subsequent state
9 26 fiscal year.
9 27 The proposed plan shall include all programs and
9 28 services at the state level which the department
9 29 proposes to fund with federal social services block
9 30 grant funds, and shall identify state and other funds
9 31 which the department proposes to use to fund the state
9 32 programs and services.
9 33 The proposed plan shall also include all local
9 34 programs and services which are eligible to be funded
9 35 with federal social services block grant funds, the
9 36 total amount of federal social services block grant
9 37 funds available for the local programs and services,
9 38 and the manner of distribution of the federal social
9 39 services block grant funds to the counties. The
9 40 proposed plan shall identify state and local funds
9 41 which will be used to fund the local programs and
9 42 services.
9 43 The proposed plan shall be submitted with the
9 44 department's budget requests to the governor and the
9 45 general assembly.
9 46 Sec. 31. PROJECTS FOR ASSISTANCE IN TRANSITION FROM
9 47 HOMELESSNESS.
9 48 1. Upon receipt of the minimum formula grant from
9 49 the federal substance abuse and mental health services
9 50 administration to provide mental health services for



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10 1 the homeless, for the federal fiscal year beginning
10 2 October 1, 2012, and ending September 30, 2013, the
10 3 department of human services shall assure that a
10 4 project which receives funds under the formula grant
10 5 shall do all of the following:
10 6 a. Provide outreach and engagement to homeless
10 7 individuals and individuals at risk of homelessness and
10 8 assesses those individuals for serious mental illness.
10 9 b. Enroll those individuals with serious mental
10 10 illness who are willing to accept services through the
10 11 project.
10 12 c. Provide case management to homeless persons.
10 13 d. Provide appropriate training to persons who
10 14 provide services to persons targeted by the grant.
10 15 e. Assure a local match share of 25 percent.
10 16 f. Refer homeless individuals and individuals
10 17 at risk of homelessness to primary health care, job
10 18 training, educational services, and relevant housing
10 19 services.
10 20 2. A project may expend funds for community
10 21 mental health services, diagnostic services, crisis
10 22 intervention services, habilitation and rehabilitation
10 23 services, substance abuse services, supportive and
10 24 supervisory services to homeless persons living in
10 25 residential settings that are not otherwise supported,
10 26 and housing services including minor renovation,
10 27 expansion, and repair of housing, security deposits,
10 28 planning of housing, technical assistance in applying
10 29 for housing, improving the coordination of housing
10 30 services, the costs associated with matching eligible
10 31 homeless individuals with appropriate housing, and
10 32 one-time rental payments to prevent eviction.
10 33 Sec. 32. CHILD CARE AND DEVELOPMENT
10 34 APPROPRIATION. There is appropriated from the
10 35 fund created by section 8.41 to the department of human
10 36 services for the federal fiscal year beginning October
10 37 1, 2012, and ending September 30, 2013, the following
10 38 amount:
10 39 \$ 43,792,517
10 40 Funds appropriated in this section are the funds
10 41 anticipated to be received from the federal government
10 42 under 42 U.S.C., ch. 105, subch. II=B, which provides
10 43 for the child care and development block grant. The
10 44 department shall expend the funds appropriated in this
10 45 section as provided in the federal law making the funds
10 46 available and in conformance with chapter 17A.
10 47 Moneys appropriated in this section that remain
10 48 unencumbered or unobligated at the close of the fiscal
10 49 year shall revert to be available for appropriation for
10 50 purposes of the child care and development block grant



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11 1 in the succeeding fiscal year.
11 2 Sec. 33. PROCEDURE FOR REDUCED FEDERAL FUNDS.
11 3 1. If the funds received from the federal
11 4 government for the block grants specified in this Act
11 5 are less than the amounts appropriated, the funds
11 6 actually received shall be prorated by the governor
11 7 for the various programs, other than for the services
11 8 to victims of sex offenses and for rape prevention
11 9 education under section 22, subsection 3, of this
11 10 division of this Act, for which each block grant
11 11 is available according to the percentages that each
11 12 program is to receive as specified in this division of
11 13 this Act. However, if the governor determines that
11 14 the funds allocated by the percentages will not be
11 15 sufficient to accomplish the purposes of a particular
11 16 program, or if the appropriation is not allocated by
11 17 percentage, the governor may allocate the funds in a
11 18 manner which will accomplish to the greatest extent
11 19 possible the purposes of the various programs for which
11 20 the block grants are available.
11 21 2. Before the governor implements the actions
11 22 provided for in subsection 1, the following procedures
11 23 shall be taken:
11 24 a. The chairpersons and ranking members of the
11 25 senate and house standing committees on appropriations,
11 26 the appropriate chairpersons and ranking members of
11 27 subcommittees of those committees, and the director of
11 28 the legislative services agency shall be notified of
11 29 the proposed action.
11 30 b. The notice shall include the proposed
11 31 allocations, and information on the reasons why
11 32 particular percentages or amounts of funds are
11 33 allocated to the individual programs, the departments
11 34 and programs affected, and other information deemed
11 35 useful. Chairpersons and ranking members notified
11 36 shall be allowed at least two weeks to review and
11 37 comment on the proposed action before the action is
11 38 taken.
11 39 Sec. 34. PROCEDURE FOR INCREASED FEDERAL FUNDS.
11 40 1. If funds received from the federal government
11 41 in the form of block grants exceed the amounts
11 42 appropriated in sections 19, 20, 21, 22, 25, 27, and
11 43 29 of this division of this Act, the excess shall
11 44 be prorated to the appropriate programs according
11 45 to the percentages specified in those sections,
11 46 except additional funds shall not be prorated for
11 47 administrative expenses.
11 48 2. If actual funds received from the federal
11 49 government from block grants exceed the amount
11 50 appropriated in section 28 of this division of this Act



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12 1 for the low-income home energy assistance program, not
12 2 more than 10 percent of the excess may be allocated to
12 3 the low-income residential weatherization program and
12 4 not more than 15 percent of the excess may be used for
12 5 administrative costs.

12 6 3. If funds received from the federal government
12 7 from community services block grants exceed the amount
12 8 appropriated in section 26 of this division of this
12 9 Act, 100 percent of the excess is allocated to the
12 10 community services block grant program.

12 11 Sec. 35. PROCEDURE FOR EXPENDITURE OF ADDITIONAL
12 12 FEDERAL FUNDS. If other federal grants, receipts, and
12 13 funds and other nonstate grants, receipts, and funds
12 14 become available or are awarded which are not available
12 15 or awarded during the period in which the general
12 16 assembly is in session, but which require expenditure
12 17 by the applicable department or agency prior to March
12 18 15 of the fiscal year beginning July 1, 2012, and
12 19 ending June 30, 2013, these grants, receipts, and funds
12 20 are appropriated to the extent necessary, provided
12 21 that the fiscal committee of the legislative council
12 22 is notified within 30 days of receipt of the grants,
12 23 receipts, or funds and the fiscal committee of the
12 24 legislative council has an opportunity to comment on
12 25 the expenditure of the grants, receipts, or funds.

12 26 Sec. 36. OTHER GRANTS, RECEIPTS, AND
12 27 FUNDS. Federal grants, receipts, and funds and
12 28 other nonstate grants, receipts, and funds, available
12 29 in whole or in part of the fiscal year beginning July
12 30 1, 2012, and ending June 30, 2013, are appropriated
12 31 to the following departments and agencies that are
12 32 designated by and for the purposes set forth in the
12 33 grants, receipts, or conditions accompanying the
12 34 receipt of the funds, unless otherwise provided by law:

- 12 35 1. Department of administrative services.
- 12 36 2. Department on aging.
- 12 37 3. Department of agriculture and land stewardship.
- 12 38 4. Office of auditor of state.
- 12 39 5. Department for the blind.
- 12 40 6. Iowa state civil rights commission.
- 12 41 7. College student aid commission.
- 12 42 8. Department of commerce.
- 12 43 9. Department of corrections.
- 12 44 10. Department of cultural affairs.
- 12 45 11. Department of economic development.
- 12 46 12. Department of education.
- 12 47 13. Office of energy independence.
- 12 48 14. Iowa ethics and campaign disclosure board.
- 12 49 15. Iowa finance authority.
- 12 50 16. Offices of the governor and lieutenant



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13 1 governor.
13 2 17. Governor's office of drug control policy.
13 3 18. Department of human rights.
13 4 19. Department of human services.
13 5 20. Department of inspections and appeals.
13 6 21. Judicial branch.
13 7 22. Department of justice.
13 8 23. Iowa law enforcement academy.
13 9 24. Department of management.
13 10 25. Department of natural resources.
13 11 26. Board of parole.
13 12 27. Department of public defense.
13 13 28. Public employment relations board.
13 14 29. Department of public health.
13 15 30. Department of public safety.
13 16 31. State board of regents.
13 17 32. Department of revenue.
13 18 33. Office of secretary of state.
13 19 34. Iowa state fair authority.
13 20 35. Office for state=federal relations.
13 21 36. Iowa telecommunications and technology
13 22 commission.
13 23 37. Office of treasurer of state.
13 24 38. Department of transportation.
13 25 39. Department of veterans affairs.
13 26 40. Department of workforce development.>
13 27 #3. Title page, by striking lines 1 through 2 and
13 28 inserting <An Act appropriation federal>
13 29 #4. By renumbering as necessary.

ROGERS of Black Hawk
SF508.2002 (4) 84
jp/tm



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House Amendment 1486

PAG LIN

1 1 Amend Senate File 462, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. Section 124.204, subsection 4,
1 6 Code 2011, is amended by adding the following new
1 7 paragraphs:
1 8 NEW PARAGRAPH. 0ai. Mephedrone=4=methylmethcathinone
1 9 (RS)=2=methylamino=1=(4=methylphenyl)propan=1=one.
1 10 NEW PARAGRAPH. 00ai. Methylene=
1 11 dioxypyrovalerone (MDPV) [(1=(1,3=
1 12 Benzodioxol=5=yl)=2=(1=pyrrolidinyl)=1=pentanone)].
1 13 NEW PARAGRAPH. ai. Salvia divinorum.
1 14 NEW PARAGRAPH. aj. Salvinorin A.
1 15 NEW PARAGRAPH. ak. Any substance, compound,
1 16 mixture or preparation which contains any quantity
1 17 of any synthetic cannabinoid that is not approved as
1 18 a pharmaceutical, including but not limited to the
1 19 following:
1 20 (1) CP 47, 497 and homologues 2=[(1R, 3S)=3=
1 21 hydroxycyclohexyl]=5=(2=methyloctan=2=yl)phenol).
1 22 (2) HU=210[(6aR,10aR)=9=(hydroxymethyl)=6,6=dimethyl=3=
1 23 (2=methyloctan=2=yl)=6a,7,10,10a=tetrahydrobenzo[c]
1 24 chromen=1=ol)].
1 25 (3) HU=211(dexanabinol, (6aS,10aS)=9=(hydroxymethyl)=6,6=
1 26 dimethyl=3=(2=methyloctan=2=yl)=6a,7,10,10a=tetrahydrobenzo[c]
1 27 chromen=1=ol).
1 28 (4) JWH=018 1=Pentyl=3=(1=naphthoyl)indole.
1 29 (5) JWH=073 1=Butyl=3=(1=naphthoyl)indole.
1 30 (6) JWH=200 [1=[2=(4=morpholinyl)ethyl]=1H=indol=3=yl]=1=
1 31 naphthalenyl=methanone.
1 32 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
1 33 deemed of immediate importance, takes effect upon
1 34 enactment.>
1 35 #2. Title page, by striking lines 1 through 3 and
1 36 inserting <An Act adding hallucinogenic substances to
1 37 the list of schedule I controlled substances, providing
1 38 penalties, and including effective date provisions.>

COMMITTEE ON PUBLIC SAFETY
BAUDLER of Adair, Chairperson
SF462.1895 (3) 84
jm/nh



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House Amendment 1487

PAG LIN

1 1 Amend Senate File 177, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. Section 80B.5, Code 2011, is amended to
1 6 read as follows:
1 7 80B.5 Administration.
1 8 The administration of this chapter shall be
1 9 vested in the office of the governor. A director
1 10 of the academy ~~and such~~ shall be appointed by the
1 11 governor, after consultation with the Iowa state
1 12 sheriffs and deputies association, the Iowa police
1 13 chiefs association, and any other persons or entities
1 14 the governor deems necessary, shall be subject to
1 15 confirmation by the senate, and shall serve at the
1 16 pleasure of the governor. Other staff as may be
1 17 necessary for ~~it~~ the academy to function shall be
1 18 employed pursuant to the Iowa merit system provisions
1 19 of chapter 8A, subchapter IV.>
1 20 #2. Title page, by striking lines 1 through 3 and
1 21 inserting <An Act requiring that the director of
1 22 the Iowa law enforcement academy be appointed by the
1 23 governor, subject to senate confirmation, and serve at
1 24 the pleasure of the governor.>

COMMITTEE ON PUBLIC SAFETY
BAUDLER of Adair, Chairperson
SF177.2114 (2) 84
je/rj



Iowa General Assembly
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House Amendment 1488

PAG LIN

- 1 1 Amend House File 655 as follows:
- 1 2 #1. Page 2, line 3, before <structure> by inserting
- 1 3 <residential, industrial, or commercial>

SODERBERG of Plymouth
HF655.2099 (2) 84
md/sc



Iowa General Assembly
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House Amendment 1489

PAG LIN

1 1 Amend House File 661 as follows:
1 2 #1. Page 1, after line 30 by inserting:
1 3 <Sec. _____. Section 455A.5, Code 2011, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 7. After notice of intended action
1 6 is filed by the director regarding a proposed rule
1 7 and upon the affirmative vote of five members of the
1 8 commission, the commission may require the director
1 9 to file notice terminating the rulemaking proceeding
1 10 pursuant to section 17A.4, subsection 1, paragraph
1 11 "b".>
1 12 #2. Page 2, after line 23 by inserting:
1 13 <Sec. _____. Section 455A.6, Code 2011, is amended by
1 14 adding the following new subsection:
1 15 NEW SUBSECTION. 7. After notice of intended action
1 16 is filed by the director regarding a proposed rule
1 17 and upon the affirmative vote of six members of the
1 18 commission, the commission may require the director
1 19 to file notice terminating the rulemaking proceeding
1 20 pursuant to section 17A.4, subsection 1, paragraph
1 21 "b".>
1 22 #3. By renumbering as necessary.

ISENHART of Dubuque
HF661.2137 (1) 84
tm/rj



Iowa General Assembly
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House Amendment 1490

PAG LIN

1 1 Amend Senate File 312, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. Section 321.34, subsection 10,
1 6 paragraph b, Code 2011, is amended to read as follows:
1 7 b. The application shall be approved by the
1 8 department in consultation with representatives
1 9 designated by the Iowa fire fighters' associations,
1 10 and the special registration plates shall be issued to
1 11 the applicant in exchange for the registration plates
1 12 previously issued to the person. An applicant who is
1 13 the owner of a business=trade truck or special truck
1 14 shall not be issued special fire fighter registration
1 15 plates for more than one vehicle. The fee for the
1 16 special plates is twenty=five dollars which shall be
1 17 paid in addition to the regular annual registration
1 18 fee. The department shall validate the special plates
1 19 in the same manner as regular registration plates are
1 20 validated under this section at the regular annual
1 21 registration fee.
1 22 Sec. 2. Section 321.120, subsection 3, Code 2011,
1 23 is amended to read as follows:
1 24 3. Upon approval of the application and payment
1 25 of the proper fees, the county treasurer shall issue
1 26 regular registration plates for the ~~vehicle which~~
1 27 ~~distinguish the vehicle as a business=trade truck.~~
1 28 The department may adopt rules requiring the use of
1 29 a sticker or other means to identify motor vehicles
1 30 registered under this section.
1 31 Sec. 3. Section 321.121, Code 2011, is amended by
1 32 adding the following new subsection:
1 33 NEW SUBSECTION. 1A. Upon approval of the
1 34 application and payment of the proper fees, the county
1 35 treasurer shall issue regular registration plates for
1 36 the special truck. The department may adopt rules
1 37 requiring the use of a sticker or other means to
1 38 identify motor vehicles registered under this section.
1 39 Sec. 4. PHASED=IN ELIMINATION OF BUSINESS=TRADE
1 40 TRUCK AND SPECIAL TRUCK PLATES.
1 41 1. It is the intent of the general assembly that
1 42 the owners of business=trade trucks and special trucks
1 43 have access to any of the specialty registration plates
1 44 issued under section 321.34 under the same terms and
1 45 conditions that apply to owners of other motor vehicles
1 46 under that section, except that the issuance of special
1 47 fire fighter plates shall be subject to the limitation
1 48 imposed under section 321.34, subsection 10, as amended
1 49 in this Act.
1 50 2. By January 1, 2012, the department of



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2 1 transportation shall discontinue the practice of
2 2 issuing business=trade truck registration plates
2 3 and special truck registration plates, and shall
2 4 instead provide regular registration plates for new
2 5 business=trade truck and special truck registrations.
2 6 Current requirements and fees for business=trade truck
2 7 and special truck registrations continue to apply. In
2 8 conjunction with the transition to the issuance of
2 9 regular registration plates for business=trade and
2 10 special trucks, the following registration practices
2 11 shall apply:
2 12 a. Except as provided in paragraph "b", current
2 13 owners of vehicles with business=trade or special
2 14 truck plates shall continue to use those plates until
2 15 ownership of the vehicle is transferred or until a new
2 16 series of Iowa registration plates is issued by the
2 17 department of transportation.
2 18 b. The owner of a motor vehicle with current
2 19 business=trade truck plates or special truck plates
2 20 may elect to be issued specialty plates in lieu of the
2 21 current registration plates for the vehicle, subject
2 22 to the terms and conditions applicable under section
2 23 321.34.
2 24 c. The owner of a motor vehicle being registered
2 25 for the first time as a business=trade truck or special
2 26 truck may elect to be issued specialty plates in lieu
2 27 of regular registration plates, subject to the terms
2 28 and conditions applicable under section 321.34.
2 29 Sec. 5. APPLICABILITY. This Act applies for
2 30 registration plates issued during registration periods
2 31 beginning on or after January 1, 2012.>
2 32 #2. Title page, by striking lines 1 through 6 and
2 33 inserting <An Act concerning registration plates issued
2 34 for business=trade trucks and special trucks, and
2 35 including applicability provisions.>

COMMITTEE ON TRANSPORTATION
TJEPKES of Webster, Chairperson
SF312.2140 (1) 84
dea/nh



Iowa General Assembly
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House Amendment 1491

PAG LIN

1 1 Amend House File 656 as follows:
1 2 #1. Page 1, after line 11 by inserting:
1 3 <Sec. _____. NEW SECTION. 144.29B Stillbirth
1 4 evaluation reporting.
1 5 1. A health care provider who initially diagnoses
1 6 a stillbirth shall complete the stillbirth evaluation
1 7 form distributed by the department and file the
1 8 evaluation form with the department within seven days
1 9 of the occurrence.
1 10 2. For the purposes of this section "stillbirth"
1 11 means stillbirth as defined in section 136A.2, and
1 12 "health care provider" means health care provider as
1 13 defined in section 144.29A.
1 14 3. The department shall adopt rules to administer
1 15 this section.>
1 16 #2. Title page, line 1, after <reporting of> by
1 17 inserting <certain information to the department of
1 18 public health including evaluations of stillbirths and>
1 19 #3. By renumbering as necessary.

PETERSEN of Polk
HF656.2134 (1) 84
pf/nh



Iowa General Assembly
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House Amendment 1492

PAG LIN

1 1 Amend House File 656 as follows:
1 2 #1. Page 1, by striking lines 3 through 11 and
1 3 inserting:
1 4 <NEW SUBSECTION. 4. The state court administrator
1 5 shall report the total statewide aggregate number of
1 6 waivers granted under this section to the department of
1 7 public health on an annual basis. The supreme court
1 8 shall prescribe rules regarding such reporting by the
1 9 state court administrator.>

PETERSEN of Polk
HF656.2131 (1) 84
pf/nh



Iowa General Assembly
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House File 662 - Introduced

HOUSE FILE
BY CHAMBERS

A BILL FOR

1 An Act relating to the statutory natural resources and outdoor
2 recreation trust fund and the sales tax rate imposed on the
3 sale of tangible personal property and the furnishing of
4 enumerated services and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1807YH (13) 84
da/rj



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House File 662 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 11, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. Subsequent to the deposit into the
1 4 general fund of the state, and after the transfer of revenues
1 5 as provided in paragraph "b", the department shall transfer
1 6 revenues equal to an amount generated by a tax of three-eighths
1 7 of one percent imposed on the sale of tangible personal
1 8 property and enumerated services as provided in this section to
1 9 the natural resources and outdoor recreation trust fund created
1 10 in section 461.31.
1 11 Sec. 2. SALES TAX RATE DECREASE. Notwithstanding the rate
1 12 specified in section 423.2, the rate of the sales tax imposed
1 13 under chapter 423 upon the sales price of the sale of tangible
1 14 personal property and the furnishing of enumerated services
1 15 sold in this state shall be five and five-eighths percent.
1 16 Sec. 3. SALES TAX RATE INCREASE. Notwithstanding the rate
1 17 specified in the section of this Act decreasing the sales tax
1 18 rate, the rate of the sales tax imposed under chapter 423 upon
1 19 the sales price of the sale of tangible personal property and
1 20 the furnishing of enumerated services sold in this state shall
1 21 be six percent.
1 22 Sec. 4. STATUTORY CONSTRUCTION. Nothing in this Act shall
1 23 be construed to affect the amount of revenues collected under
1 24 chapter 423B, or the transfer of revenues to the secure an
1 25 advanced vision for education fund created in section 423F.2.
1 26 Sec. 5. RULES. The department of revenue shall adopt
1 27 rules under chapter 17 as necessary in order to implement the
1 28 provisions of this Act.
1 29 Sec. 6. EXEMPTIONS ==== REFUNDS. The decreasing and
1 30 increasing of the sales tax rate shall not be construed as
1 31 affecting the operation of the exemptions specified in section
1 32 423.3 or the refunds specified in section 423.4.
1 33 Sec. 7. EFFECTIVE DATE. The section of this Act authorizing
1 34 the department of revenue to adopt rules to implement the
1 35 provisions of this Act takes effect on January 1, 2013.



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House File 662 - Introduced continued

2 1 Sec. 8. EFFECTIVE DATE. The sections of this Act decreasing
2 2 the sales tax rate and referring to exemptions and refunds take
2 3 effect at the end of the calendar day on June 30, 2013.

2 4 Sec. 9. EFFECTIVE DATE. The sections of this Act increasing
2 5 the sales tax rate and referring to exemptions and refunds take
2 6 effect at the beginning of the calendar day on July 1, 2013.

2	7	EXPLANATION
---	---	-------------

2 8 This bill relates to the sales tax imposed on the sale of
2 9 tangible personal property and the furnishing of enumerated
2 10 services. Currently, the tax on sales and services in Iowa
2 11 is imposed at the rate of 6 percent. The bill provides for a
2 12 decrease in the rate to 5 5/8 percent. This decrease takes
2 13 effect at the end of the calendar day on June 30, 2013. The
2 14 bill also provides for a rate increase from 5 5/8 percent to 6
2 15 percent, effectively restoring the current rate. This increase
2 16 takes effect at the beginning of the calendar day on July 1,
2 17 2013. The revenues generated by 3/8 of 1 percent imposed on
2 18 the sale of tangible personal property and enumerated services
2 19 are statutorily transferred to the natural resources and
2 20 outdoor recreation trust fund. The statutory purpose of the
2 21 fund is to protect and enhance water quality and natural areas
2 22 of this state and conserving agricultural soils in this state.
2 23 The department of revenue is authorized to adopt rules in order
2 24 to implement the bill.

LSB 1807YH (13) 84

da/rj



Iowa General Assembly
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House File 663 - Introduced

HOUSE FILE
BY SWEENEY

A BILL FOR

1 An Act providing a sales tax exemption for the sales price
2 of certain sales of clay and paper targets and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2395HH (7) 84
tw/sc



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House File 663 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 96. The sales price from the sale of
1 4 clay targets and paper targets that are to be stored, used,
1 5 or consumed by a shooting facility, if any of the following
1 6 applies:
1 7 a. The shooting facility is required to collect sales taxes
1 8 imposed on the sales price of charges for shooting at the
1 9 facility.
1 10 b. The shooting facility is a nonprofit organization that
1 11 charges for shooting at the facility, and the sales price of
1 12 such charges are exempt as casual sales under subsection 39.
1 13 Sec. 2. REFUNDS.
1 14 1. Refunds of taxes, interest, or penalties that arise
1 15 from claims resulting from the enactment of section 423.3,
1 16 subsection 96, in this Act, for the exemption of sales of clay
1 17 targets and paper targets occurring between January 1, 2001,
1 18 and the effective date of this Act, shall be limited to ten
1 19 thousand dollars in the aggregate and shall not be allowed
1 20 unless refund claims are filed prior to October 1, 2011,
1 21 notwithstanding any other provision of law.
1 22 2. If the amount of claims totals more than ten thousand
1 23 dollars in the aggregate, the department of revenue shall
1 24 prorate the ten thousand dollars among all claimants in
1 25 relation to the amounts of the claimants' valid claims.
1 26 3. Claimants shall not be entitled to interest on any
1 27 refunds.
1 28 Sec. 3. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 29 APPLICABILITY. This Act, being deemed of immediate importance,
1 30 takes effect upon enactment and applies retroactively to
1 31 January 1, 2001.
1 32 EXPLANATION
1 33 This bill provides a sales tax exemption for the sale of
1 34 clay and paper targets if they are sold to a shooting facility
1 35 that collects sales taxes on the charges for shooting at the



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House File 663 - Introduced continued

2 1 facility or if the charges for shooting at the facility are
2 2 exempt as casual sales.
2 3 Because the exemption is retroactive to January 1, 2001, the
2 4 bill provides for refund claims of \$10,000 in the aggregate
2 5 arising as a result of the bill.
2 6 By operation of Code section 423.6, an item exempt from the
2 7 imposition of the sales tax is also exempt from the use tax
2 8 imposed in Code section 423.5.
2 9 The bill takes effect upon enactment and applies
2 10 retroactively to January 1, 2001.
LSB 2395HH (7) 84
tw/sc



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House Resolution 35 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY ISENHART, HALL, SWAIM, HEDDENS, MUHLBAUER, HUNTER,
JACOBY, KAJTAZOVIC, T. TAYLOR, WILLEMS, WITTNEBEN,
KRESSIG, KEARNS, KELLEY, LENSING, WESSEL-KROESCHELL,
WINCKLER, LYKAM, COHOON, ABDUL-SAMAD, MASCHER, M.
SMITH, H. MILLER, STECKMAN, and WOLFE

1 1 A Resolution urging Congress to preserve funding for
1 2 workforce development and education programs.
1 3 WHEREAS, House Resolution 1 was passed by the
1 4 United States House of Representatives on February 19,
1 5 2011; and
1 6 WHEREAS, the United States House of Representatives
1 7 proposal would eliminate comprehensive early childhood
1 8 services nationwide for 218,000 low-income children
1 9 and their families, close over 16,000 Head Start
1 10 and Early Head Start classrooms, and lay off 55,000
1 11 teachers, teacher assistants, and related staff, with
1 12 an estimated 1,800 kids in Iowa losing access to Head
1 13 Start services; and
1 14 WHEREAS, the proposal cuts an additional \$5
1 15 billion of funding for the United States Department
1 16 of Education, including slashing Title I education
1 17 funding by nearly \$700 million, meaning 2,400 schools
1 18 serving one million disadvantaged students could lose
1 19 funding, and approximately 10,000 teachers and aides
1 20 could lose their jobs, with an estimated loss of more
1 21 than \$4.5 million in grants to local Iowa educational
1 22 agencies; and
1 23 WHEREAS, the proposal would cut almost \$600 million



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House Resolution 35 - Introduced continued

2 1 in federal special education funding, leading to the
2 2 loss of 7,000 education staff serving such students
2 3 nationwide and a potential increase in state and local
2 4 taxes to make up for the loss of more than \$5 million
2 5 in federal funds to support special education in
2 6 Iowa; and

2 7 WHEREAS, the proposal would cut aid to college
2 8 students by reducing the maximum Pell Grant by 15
2 9 percent at a time when college tuitions and student
2 10 indebtedness are rising precipitously; and

2 11 WHEREAS, the proposal to cut the Perkins Tech
2 12 Prep program will mean a loss of \$1.24 million to
2 13 Iowa, along with additional cuts to the Elementary
2 14 and Secondary School Counseling Program, YouthBuild,
2 15 Career Pathways, and the High School Graduation
2 16 Initiative; and

2 17 WHEREAS, the proposal would cut \$3.8 billion from
2 18 key workforce development programs under the United
2 19 States Department of Labor, including eliminating all
2 20 2011 funding for the Adult, Dislocated Worker, and
2 21 Youth programs under the Workforce Investment Act
2 22 (WIA); and

2 23 WHEREAS, these cuts will cause more than 7,000 young
2 24 people to lose access to services under YouthBuild,
2 25 as many as 10,000 to lose access to services under
2 26 Job Corps, and 276,000 to lose access to education,
2 27 training, and work experiences; and

2 28 WHEREAS, these cuts will force 3,000 One?Stop
2 29 centers found in local communities across the country
2 30 to begin the process of closing their doors, likely



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House Resolution 35 - Introduced continued

3 1 causing thousands of new job losses, and denying access
3 2 to the more than eight million workers; and
3 3 WHEREAS, the State of Iowa currently receives some
3 4 \$14 million from the United States Department of Labor
3 5 for adult, youth, and dislocated workers, serving
3 6 approximately 35,000 Iowans with an array of core and
3 7 intensive services; and
3 8 WHEREAS, since 2009 the State of Iowa has received
3 9 just over \$16 million in National Emergency Grants to
3 10 support 4,700 workers losing their jobs through mass
3 11 layoffs, including \$6 million through the federal
3 12 American Recovery and Reinvestment Act; and
3 13 WHEREAS, Iowa's proportionate share of emergency
3 14 grant funding under House Resolution 1 would provide
3 15 funding to serve only 380 individuals; and
3 16 WHEREAS, these programs are essential to create and
3 17 fill jobs, prepare workers whose jobs have disappeared
3 18 for new careers, and train the American workforce for
3 19 the demands of a 21st century global economy; and
3 20 WHEREAS, for the more than 14 million unemployed
3 21 American workers, the impact of dismantling the public
3 22 workforce and adult education systems could not be more
3 23 devastating; NOW THEREFORE,
3 24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
3 25 the House of Representatives urges Congress to continue
3 26 its commitment to job creation, economic growth, and
3 27 opportunities for students and workers by maintaining
3 28 funding for workforce development and education
3 29 programs in the fiscal year 2012 federal budget.

LSB 2722HH (10) 84
jr/nh



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House Study Bill 230

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.

BY (PROPOSED COMMITTEE ON JUDICIARY RESOLUTION BY
CHAIRPERSON ANDERSON)

1 1 A Concurrent Resolution to urge the members of
1 2 the Congress of the United States to propose a
1 3 parental rights amendment to the Constitution of
1 4 the United States for submission to the states for
1 5 ratification.
1 6 WHEREAS, the right of parents to direct the
1 7 upbringing and education of their children is a
1 8 fundamental right implicitly protected by the
1 9 Constitution of the United States and the Constitution
1 10 of the State of Iowa; and
1 11 WHEREAS, this nation has historically relied first
1 12 and foremost on parents to meet the real and constant
1 13 needs of children; and
1 14 WHEREAS, the interests of children are best served
1 15 when parents are free to make childrearing decisions
1 16 about education, religion, and other areas of a child's
1 17 life without government interference; and
1 18 WHEREAS, the Supreme Court of the United States
1 19 in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), concluded
1 20 that, "This primary role of the parents in the
1 21 upbringing of their children is now established beyond
1 22 debate as an enduring American tradition"; and
1 23 WHEREAS, however, the Supreme Court of the United
1 24 States in *Troxel v. Granville*, 530 U.S. 57 (2000),
1 25 expressed six different opinions on the nature
1 26 and enforceability of parental rights under the
1 27 Constitution of the United States, creating some



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House Study Bill 230 continued

2 1 ambiguity about the nature of parental rights in
2 2 the laws and society of the states of the United
2 3 States; and

2 4 WHEREAS, international conventions and treaties
2 5 have been proposed and may soon be considered for
2 6 ratification by the United States Senate, which would
2 7 alter the fundamental right of parents to direct the
2 8 upbringing of their children; and

2 9 WHEREAS, the United States Supreme Court has noted
2 10 that the laws of other countries and international
2 11 authorities are instructive for its interpretation of
2 12 the Constitution of the United States; and

2 13 WHEREAS, a proposed amendment to the Constitution
2 14 of the United States has been introduced in the United
2 15 State Congress to prevent erosion of the enduring
2 16 American tradition of treating the following parental
2 17 rights as fundamental rights:

2 18 SECTION ONE: The liberty of parents to direct
2 19 the upbringing and education of their children is a
2 20 fundamental right.

2 21 SECTION TWO: Neither the United States nor
2 22 any State shall infringe upon this right without
2 23 demonstrating that its governmental interest as applied
2 24 to the person is of the highest order and not otherwise
2 25 served.

2 26 SECTION THREE: No treaty may be adopted nor
2 27 shall any source of international law be employed to
2 28 supersede, modify, interpret, or apply to the rights
2 29 guaranteed by this article; and

2 30 WHEREAS, this amendment would protect the rights



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House Study Bill 230 continued

3 1 of parents as they are now enjoyed, without requiring
3 2 substantive change to current state or federal laws
3 3 respecting those rights; and
3 4 WHEREAS, enumerating parental rights in the
3 5 Constitution of the United States will preserve
3 6 parental rights from infringement by international
3 7 convention, treaty, or law; NOW THEREFORE,
3 8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
3 9 THE SENATE CONCURRING, That the Iowa General Assembly
3 10 affirms the rights of parents as enumerated in the
3 11 proposed parental rights amendment to the Constitution
3 12 of the United States; and
3 13 BE IT FURTHER RESOLVED, That the Iowa General
3 14 Assembly urges the members of the United States Senate
3 15 and the United States House of Representatives from
3 16 this state to support the proposed parental rights
3 17 amendment in their respective chambers; and
3 18 BE IT FURTHER RESOLVED, That the Iowa General
3 19 Assembly urges the members of the Congress of
3 20 the United States to propose the parental rights
3 21 amendment to the states of the United States for
3 22 ratification; and
3 23 BE IT FURTHER RESOLVED, That upon passage of
3 24 this resolution, the Chief Clerk of the House of
3 25 Representatives shall transmit copies of this
3 26 resolution to the President and members of the United
3 27 States Senate, the Speaker and members of the United
3 28 States House of Representatives, and to the clerk of
3 29 each of the legislative chambers of the other states.
LSB 2753YC (3) 84
jp/rj



Iowa General Assembly
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House Study Bill 231

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF CULTURAL AFFAIRS
BILL)

A BILL FOR

1 An Act relating to the administration of the property
2 rehabilitation tax credit program by the department of
3 cultural affairs and including retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 1335DP (9) 84
tw/sc



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House Study Bill 231 continued

PAG LIN

1 1 Section 1. Section 404A.1, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. A historic preservation and cultural and entertainment
1 4 district tax credit, subject to the availability of the
1 5 credit, is granted against the tax imposed under chapter 422,
1 6 division II, III, or V, or chapter 432, for the substantial
1 7 rehabilitation of eligible property located in this state
1 8 as provided in this chapter. Tax credits in excess of tax
1 9 liabilities shall be refunded or credited as provided in
1 10 section 404A.4, subsection 3.
1 11 Sec. 2. Section 404A.1, Code 2011, is amended by adding the
1 12 following new subsection:
1 13 NEW SUBSECTION. 3. For purposes of this chapter, unless the
1 14 context otherwise requires:
1 15 a. "Eligible property" means property meeting the
1 16 requirements of subsection 2.
1 17 b. "Measuring period" means any period of twenty=four
1 18 consecutive months during the rehabilitation period, as
1 19 designated by the taxpayer, during which the qualified
1 20 rehabilitation costs meet the requirements of a substantial
1 21 rehabilitation.
1 22 c. "Placed in service" means the same as used in section 47
1 23 of the Internal Revenue Code.
1 24 d. "Qualified rehabilitation costs" means expenditures made
1 25 for the rehabilitation of eligible property that meet the
1 26 requirements of section 404A.2, subsections 2 and 2A.
1 27 e. "Rehabilitation period" means the period of time during
1 28 which an eligible property is rehabilitated, commencing from
1 29 the date the rehabilitation project is approved pursuant to
1 30 section 404A.3 and ending with the end of the taxable year in
1 31 which the property is placed in service.
1 32 f. "Substantial rehabilitation" means qualified
1 33 rehabilitation costs that meet or exceed the following:
1 34 (1) In the case of commercial property, costs totaling at
1 35 least fifty percent of the assessed value of the property,



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House Study Bill 231 continued

2 1 excluding the land, prior to the rehabilitation.

2 2 (2) In the case of residential property or barns, costs
2 3 totaling at least twenty=five thousand dollars or twenty=five
2 4 percent of the assessed value, excluding the land, prior to
2 5 rehabilitation, whichever is less.

2 6 Sec. 3. Section 404A.2, subsection 1, paragraphs a through
2 7 d, Code 2011, are amended by striking the paragraphs.

2 8 Sec. 4. Section 404A.2, Code 2011, is amended by adding the
2 9 following new subsection:

2 10 NEW SUBSECTION. 2A. For purposes of this chapter, qualified
2 11 rehabilitation costs include all costs incurred during the
2 12 rehabilitation period and are not limited to costs incurred
2 13 during the measuring period.

2 14 Sec. 5. Section 404A.3, subsections 1 and 2, Code 2011, are
2 15 amended to read as follows:

2 16 1. a. In order for costs of a rehabilitation project to
2 17 qualify for a tax credit, the rehabilitation project must
2 18 receive approval from ~~the state historic preservation office of~~
2 19 the department of cultural affairs.

2 20 b. Applications for approvals from ~~the state historie~~
~~2 21 preservation office of the department of cultural affairs shall~~
2 22 be on forms approved by the ~~state historie preservation office~~
~~2 23 department~~ and shall contain information as required by the
2 24 ~~state historie preservation office~~ department. The information
2 25 shall at least include the approximate date of the start of
2 26 rehabilitation, the approximate date of completion, as well as
2 27 the cost.

2 28 c. The approval process shall not exceed ninety days
2 29 beginning from the date on which a completed application is
2 30 received by the ~~state historie preservation office~~ department.
2 31 After the ninety=day limit, the rehabilitation project is
2 32 deemed to be approved unless the ~~state historie preservation~~
~~2 33 office~~ department has denied the application or contacted the
2 34 applicant for further information regarding the application.

2 35 2. The ~~state historie preservation office~~ department shall



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House Study Bill 231 continued

3 1 establish selection criteria and standards for rehabilitation
3 2 projects involving eligible property. The main emphasis of
3 3 the standards shall be to ensure that a rehabilitation project
3 4 maintains the integrity of the eligible property. To the
3 5 extent applicable, the standards shall be consistent with the
3 6 standards of the United States secretary of the interior for
3 7 rehabilitation of eligible property.

3 8 Sec. 6. Section 404A.3, subsection 3, paragraphs a and b,
3 9 Code 2011, are amended to read as follows:

3 10 a. A rehabilitation project for which the ~~state historic~~
~~3 11 preservation office~~ department has reserved tax credits
3 12 pursuant to section 404A.4 shall begin rehabilitation of the
3 13 property before the end of the fiscal year in which the project
3 14 application was approved and for which the tax credits were
3 15 reserved.

3 16 b. ~~The~~ Except as provided in subsection 5, eligible property
3 17 shall be placed in service within thirty=six months of the date
3 18 on which the project application was approved. ~~For purposes of~~
~~3 19 this section, "placed in service" has the same meaning as used~~
~~3 20 for purposes of section 47 of the Internal Revenue Code.~~ The
3 21 department may provide by rule for the allowance of additional
3 22 time to complete a project.

3 23 Sec. 7. Section 404A.3, subsection 4, Code 2011, is amended
3 24 to read as follows:

3 25 4. A rehabilitation project that does not meet the
3 26 requirements of subsection 3 or subsection 5, as applicable, is
3 27 subject to revocation, repayment, or recapture of tax credits
3 28 reserved or approved pursuant to this chapter.

3 29 Sec. 8. Section 404A.3, Code 2011, is amended by adding the
3 30 following new subsection:

3 31 NEW SUBSECTION. 5. a. The department of cultural affairs
3 32 may provide for the phasing of a rehabilitation project if the
3 33 project meets all of the following requirements:

3 34 (1) The project involves qualified rehabilitation costs of
3 35 five million dollars or more.



Iowa General Assembly
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4 1 (2) A written set of architectural plans and specifications
4 2 for all phases of the project is completed and submitted to the
4 3 department before the physical work on the project begins.

4 4 (3) The written plans and specifications submitted pursuant
4 5 to subparagraph (2) contemplate realistic phasing of the
4 6 project and can reasonably be expected to be completed during
4 7 the rehabilitation period.

4 8 b. A rehabilitation project approved for phasing pursuant to
4 9 this subsection shall be completed and placed in service within
4 10 sixty months of the date on which the project application was
4 11 approved.

4 12 c. The department of cultural affairs shall adopt rules
4 13 for the implementation of this subsection that provide for the
4 14 administration of phasing as nearly as possible in conjunction
4 15 with the phasing of projects under the federal historic
4 16 preservation tax incentives program.

4 17 Sec. 9. Section 404A.4, subsection 1, Code 2011, is amended
4 18 to read as follows:

4 19 1. Upon completion of the rehabilitation project, a
4 20 certification of completion must be obtained from ~~the state~~
~~4 21 historic preservation office of~~ the department of cultural
4 22 affairs. A completion certificate shall identify the person
4 23 claiming the tax credit under this chapter and the qualified
4 24 rehabilitation costs incurred up to the two years preceding the
4 25 completion date.

4 26 Sec. 10. Section 404A.4, subsection 2, Code 2011, is amended
4 27 to read as follows:

4 28 2. After verifying the eligibility for the tax credit,
4 29 ~~the state historic preservation office~~ department shall
4 30 issue a historic preservation and cultural and entertainment
4 31 district tax credit certificate to be attached to the person's
4 32 tax return. The tax credit certificate shall contain the
4 33 taxpayer's name, address, tax identification number, the date
4 34 of project completion, the amount of credit, other information
4 35 required by the department of revenue, and a place for the name



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House Study Bill 231 continued

5 1 and tax identification number of a transferee and the amount of
5 2 the tax credit being transferred. Of the amount of tax credits
5 3 that may be approved in a fiscal year pursuant to subsection
5 4 4, paragraph "a":

5 5 a. For the fiscal year beginning July 1, 2009, the ~~office~~
~~5 6 department~~ shall reserve not more than twenty million dollars
5 7 worth of tax credits for a taxable year beginning on or after
5 8 January 1, 2009, and not more than thirty million dollars worth
5 9 of tax credits for a taxable year beginning on or after January
5 10 1, 2010.

5 11 b. For the fiscal year beginning July 1, 2010, the ~~office~~
~~5 12 department~~ shall reserve not more than twenty million dollars
5 13 worth of tax credits for a taxable year beginning on or after
5 14 January 1, 2010, and not more than thirty million dollars worth
5 15 of tax credits for a taxable year beginning on or after January
5 16 1, 2011.

5 17 c. For the fiscal year beginning July 1, 2011, the ~~office~~
~~5 18 department~~ shall reserve not more than twenty million dollars
5 19 worth of tax credits for a taxable year beginning on or after
5 20 January 1, 2011, and not more than thirty million dollars worth
5 21 of tax credits for a taxable year beginning on or after January
5 22 1, 2012.

5 23 d. For the fiscal year beginning July 1, 2012, and for each
5 24 fiscal year thereafter, the department shall reserve not more
5 25 than forty-five million dollars worth of tax credits for any
5 26 one taxable year.

5 27 Sec. 11. Section 404A.4, subsection 4, paragraph b,
5 28 subparagraph (4), Code 2011, is amended to read as follows:

5 29 (4) Twenty percent of the dollar amount of the tax
5 30 credits shall be allocated for projects that involve the
5 31 creation of more than five hundred new permanent jobs. A
5 32 taxpayer receiving a tax credit certificate for a project
5 33 under this allocation shall provide information documenting
5 34 the creation of the jobs to the ~~state historic preservation~~
~~5 35 office~~ department of cultural affairs and to the department of



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6 1 economic development. The jobs shall be created within two
6 2 years of the date a tax credit certificate is issued. The
6 3 department of economic development shall verify the creation
6 4 of the jobs. The amount of any tax credits received is subject
6 5 to recapture by the department of revenue if the jobs are not
6 6 created within two years. The state historic preservation
6 7 office and the department of economic development may adopt
6 8 rules for the implementation of this subparagraph. The rules
6 9 shall provide for a method or form that allows a city or
6 10 county to track the number of jobs created in the construction
6 11 industry by the project.

6 12 Sec. 12. RETROACTIVE APPLICABILITY. The following
6 13 provision or provisions of this Act apply retroactively to July
6 14 1, 2009, for projects approved and tax credits reserved on or
6 15 after that date:

6 16 1. The sections of this Act amending section 404A.1.

6 17 2. The sections of this Act amending section 404A.2.

6 18 EXPLANATION

6 19 This bill relates to the administration of the historic
6 20 preservation property rehabilitation tax credit program
6 21 administered by the department of cultural affairs.

6 22 The bill makes the following changes to the administration
6 23 of the program:

6 24 (1) Currently, property classified as residential or as
6 25 commercial with multifamily residential units may not exceed
6 26 \$100,000 per residential unit. The bill eliminates this
6 27 requirement.

6 28 (2) Currently, the program uses the same 24-month period to
6 29 both gauge the size of a project and determine the costs that
6 30 qualify for purposes of computing the amount of the tax credit.
6 31 The bill provides for a rehabilitation period and a measuring
6 32 period. The rehabilitation period is the period of time
6 33 beginning with the project's approval and ending with the end
6 34 of the taxable year in which the project is placed in service.
6 35 The rehabilitation period is the period of time used for



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7 1 purposes of determining the amount of qualified rehabilitation
7 2 costs. The measuring period is a period of 24 months during
7 3 the rehabilitation period, designated by the taxpayer, and
7 4 is used to determine whether a project is a substantial
7 5 rehabilitation for purposes of eligibility for the tax credits.
7 6 (3) Currently, all rehabilitation projects must be
7 7 completed and placed in service within 36 months of the
7 8 project's approval. The bill provides for the phasing of
7 9 certain projects. A project approved for phasing has 60 months
7 10 in which to complete the project and place it in service.
7 11 (4) References to the state historic preservation office
7 12 are changed to the department of cultural affairs.
7 13 In general, the changes numbered (2) and (3) align the
7 14 program more closely with the federal historic preservation tax
7 15 incentives program.
7 16 The changes described in numbers (1) and (2) apply
7 17 retroactively to July 1, 2009, for projects approved and tax
7 18 credits reserved on or after that date.

LSB 1335DP (9) 84

tw/sc



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House Study Bill 232

HOUSE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to disaster relief by creating an Iowa
2 disaster relief fund and income tax checkoff, providing
3 an appropriation, and including retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 2040YC (4) 84
tw/sc



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House Study Bill 232 continued

PAG LIN

1 1 Section 1. NEW SECTION. 217.41A Iowa disaster relief fund.
1 2 1. An Iowa disaster relief fund is created in the state
1 3 treasury under the control of the department of human services.
1 4 The fund shall consist of moneys appropriated or available to
1 5 and obtained or accepted by the treasurer of state for deposit
1 6 in the fund including the moneys to be credited to the fund
1 7 pursuant to section 422.12I or moneys in the form of a devise,
1 8 gift, bequest, donation, or grant intended to be used for the
1 9 purposes of the fund.
1 10 2. Notwithstanding section 12C.7, interest or earnings on
1 11 moneys in the fund shall be credited to the fund. Section 8.33
1 12 does not apply to moneys in the fund.
1 13 3. Moneys in the fund are appropriated to the department
1 14 of human services for distribution to nonprofit organizations
1 15 that provide statewide or regional disaster relief services
1 16 within the state, including but not limited to the provision
1 17 of food, shelter, and clothing to persons adversely affected
1 18 by a disaster.
1 19 Sec. 2. NEW SECTION. 422.12I Income tax checkoff for Iowa
1 20 disaster relief fund.
1 21 1. A person who files an individual or a joint income tax
1 22 return with the department of revenue under section 422.13 may
1 23 designate one dollar or more to be paid jointly to the Iowa
1 24 disaster relief fund created in section 217.41A. If the refund
1 25 due on the return or the payment remitted with the return
1 26 is insufficient to pay the additional amount designated by
1 27 the taxpayer, the amount designated shall be reduced to the
1 28 remaining amount of refund or the remaining amount remitted
1 29 with the return. The designation of a contribution under this
1 30 section is irrevocable.
1 31 2. The director of revenue shall draft the income tax form
1 32 to allow the designation of contributions to the fund. The
1 33 department of revenue, on or before January 31, shall transfer
1 34 the total amount designated on the tax return forms due in
1 35 the preceding calendar year to the fund. However, before a



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2 1 checkoff pursuant to this section shall be permitted, all
2 2 liabilities on the books of the department of administrative
2 3 services and accounts identified as owing under section 8A.504
2 4 and the political contribution allowed under section 68A.601
2 5 shall be satisfied.

2 6 3. The department of revenue shall adopt rules to administer
2 7 this section.

2 8 4. This section is subject to repeal under section 422.12E.

2 9 Sec. 3. APPLICABILITY. This Act applies to tax years
2 10 beginning on or after January 1, 2012.

2 11 EXPLANATION

2 12 This bill relates to an income tax checkoff for disaster
2 13 relief.

2 14 The bill creates an Iowa disaster relief fund in the state
2 15 treasury under the control of the department of human services.
2 16 The moneys in the fund are appropriated to the department of
2 17 human services for distribution to nonprofit organizations that
2 18 provide disaster relief services. Moneys in the fund consist
2 19 primarily of funds directed by taxpayers through an income tax
2 20 checkoff.

2 21 The bill creates an income tax checkoff for purposes of
2 22 allowing taxpayers to designate that one or more dollars be
2 23 paid into the disaster relief fund. The director of revenue
2 24 is directed to draft the income tax forms to allow for such
2 25 designations.

2 26 The bill applies to tax years beginning on or after January
2 27 1, 2012.

LSB 2040YC (4) 84
tw/sc



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House Study Bill 233

HOUSE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act providing an exemption from the fee for new registration
2 for motor vehicles leased to certain governmental agencies
3 and nonprofit entities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2276YC (2) 84

dea/nh



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House Study Bill 233 continued

PAG LIN

1 1 Section 1. Section 321.105A, subsection 2, paragraph c,
1 2 subparagraph (25), unnumbered paragraph 1, Code 2011, is
1 3 amended to read as follows:
1 4 Vehicles subject to registration under this chapter with
1 5 a gross vehicle weight rating of less than sixteen thousand
1 6 pounds when purchased for lease and titled by the lessor
1 7 licensed pursuant to chapter 321F and actually leased for a
1 8 period of twelve months or more if the lease of the vehicle is
1 9 subject to the fee for new registration under subsection 3 or
1 10 exempt from the fee for new registration pursuant to subsection
1 11 3, paragraph "f".

1 12 Sec. 2. Section 321.105A, subsection 3, Code 2011, is
1 13 amended by adding the following new paragraph:
1 14 NEW PARAGRAPH. f. The following are exempt from the fee
1 15 for new registration imposed under this subsection as long as a
1 16 valid affidavit is filed with the county treasurer at the time
1 17 of application for registration:

1 18 (1) Vehicles leased to entities listed in section 423.3,
1 19 subsections 17, 18, 19, 20, 21, 22, 26, 27, 28, 31, and 79, to
1 20 the extent that those entities are exempt from the tax imposed
1 21 on the sale of tangible personal property, consisting of goods,
1 22 wares, or merchandise, sold at retail in the state to consumers
1 23 or users.

1 24 (2) A vehicle leased directly to a federal, state, or local
1 25 governmental agency and titled in an individual's name pursuant
1 26 to a governmental program authorized by law.

1 27 EXPLANATION

1 28 Under current law, a fee for new registration in the amount
1 29 of 5 percent of the purchase price of a vehicle is required
1 30 each time ownership of a vehicle is transferred. The fee
1 31 applies to leased vehicles with a gross vehicle weight rating
1 32 of less than 16,000 pounds and leased for a period of 12 months
1 33 or more. The lessor is responsible for payment of the fee, but
1 34 may pass the charge along to the lessee.

1 35 This bill creates exemptions from the fee for new



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2 1 registration for vehicles leased to federal, state, or local
2 2 governmental agencies or certain nonprofit entities that are
2 3 also exempt from the payment of sales tax and for vehicles
2 4 leased to a governmental agency and titled in an individual's
2 5 name pursuant to a governmental program authorized by law. An
2 6 exemption from the fee for new registration is provided under
2 7 current law for vehicles that are sold to the same governmental
2 8 agencies and nonprofit entities.

LSB 2276YC (2) 84

dea/nh



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Senate Amendment 3181

PAG LIN

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1 1      Amend Senate File 484 as follows:
1 2 #1.  Page 4, after line 27 by inserting:
1 3      <f.  Licensure as a registered nurse pursuant to the
1 4 provisions of Code chapter 152.>
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SHAWN HAMERLINCK
SF484.2095 (1) 84
jr/nh



Iowa General Assembly
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Senate Amendment 3182

PAG LIN

1 1 Amend Senate File 423 as follows:
1 2 #1. Page 1, after line 24 by inserting:
1 3 <Sec. _____. Section 261E.8, subsection 2, Code 2011,
1 4 is amended to read as follows:
1 5 2. Students from accredited nonpublic schools and
1 6 students receiving competent private instruction or
1 7 independent private instruction under chapter 299A may
1 8 access the program through the school district in which
1 9 the accredited nonpublic school or private institution
1 10 is located.
1 11 Sec. _____. Section 299.1, subsection 1, Code 2011,
1 12 is amended to read as follows:
1 13 1. Except as provided in section 299.2, the parent,
1 14 guardian, or legal or actual custodian of a child
1 15 who is of compulsory attendance age, shall cause the
1 16 child to attend some public school~~7~~ or an accredited
1 17 nonpublic school, or place the child under competent
1 18 private instruction or independent private instruction
1 19 in accordance with the provisions of chapter 299A7
1 20 during a school year7 as defined under section 279.10.
1 21 Sec. _____. Section 299.1B, Code 2011, is amended to
1 22 read as follows:
1 23 299.1B Failure to attend ==== driver's license.
1 24 A person who is of compulsory attendance age, who
1 25 is not exempt under section 299.2, who does not attend
1 26 a public school7 or an accredited nonpublic school,
1 27 who is not receiving competent private instruction or
1 28 independent private instruction in accordance with the
1 29 provisions of chapter 299A, and who does not attend an
1 30 alternative school~~7~~ or adult education classes, shall
1 31 not receive an intermediate or full driver's license
1 32 until age eighteen.
1 33 Sec. _____. Section 299.6A, subsection 1, Code 2011,
1 34 is amended to read as follows:
1 35 1. In lieu of a criminal proceeding under section
1 36 299.6, a county attorney may bring a civil action
1 37 against a parent, guardian, or legal or actual
1 38 custodian of a child who is of compulsory attendance
1 39 age, has not completed educational requirements, and
1 40 is truant, if the parent, guardian, or legal or actual
1 41 custodian has failed to cause the child to attend a
1 42 public school~~7~~ or an accredited nonpublic school, or
1 43 placed the child under competent private instruction or
1 44 independent private instruction in the manner provided
1 45 in this chapter. If the court finds that the parent,
1 46 guardian, or legal or actual custodian has failed to
1 47 cause the child to attend as required in this section,
1 48 the court shall assess a civil penalty of not less than
1 49 one hundred but not more than one thousand dollars for
1 50 each violation established.



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Senate Amendment 3182 continued

2 1 Sec. _____. Section 299.8, Code 2011, is amended to
2 2 read as follows:
2 3 299.8 "Truant" defined.
2 4 Any child of compulsory attendance age who fails
2 5 to attend school as provided in this chapter, or as
2 6 required by the school board's or school governing
2 7 body's attendance policy, or who fails to attend
2 8 competent private instruction or independent private
2 9 instruction under chapter 299A, without reasonable
2 10 excuse for the absence, shall be deemed to be a truant.
2 11 A finding that a child is truant, however, shall not
2 12 by itself mean that the child is a child in need of
2 13 assistance within the meaning of chapter 232 and shall
2 14 not be the sole basis for a child in need of assistance
2 15 petition.
2 16 Sec. _____. Section 299.11, unnumbered paragraph 1,
2 17 Code 2011, is amended to read as follows:
2 18 The truancy officer may take into custody without
2 19 warrant any apparently truant child and place the
2 20 child in the charge of the school principal, or the
2 21 principal's designee, designated by the board of
2 22 directors of the school district in which the child
2 23 resides, or of any nonpublic school, or any authority
2 24 providing competent private instruction or independent
2 25 private instruction as defined in section 299A.1,
2 26 subsection 2, designated by the parent, guardian, or
2 27 legal or actual custodian; but if it is other than a
2 28 public school, the instruction and maintenance of the
2 29 child shall be without expense to the school district.
2 30 If a child is taken into custody under this section,
2 31 the truancy officer shall make every reasonable attempt
2 32 to immediately notify the parent, guardian, or legal or
2 33 actual custodian of the child's location.
2 34 Sec. _____. Section 299.12, subsection 2, Code 2011,
2 35 is amended to read as follows:
2 36 2. This section is not applicable to a child
2 37 who is receiving competent private instruction or
2 38 independent private instruction in accordance with the
2 39 requirements of chapter 299A. If a child is not in
2 40 compliance with the attendance requirements established
2 41 under section 299.1, and has not completed educational
2 42 requirements through the sixth grade, and the school
2 43 has used every means available to assure the child
2 44 does attend, the school truancy officer shall contact
2 45 the child's parent, guardian, or legal or actual
2 46 custodian to participate in an attendance cooperation
2 47 meeting. The parties to the attendance cooperation
2 48 meeting may include the child and shall include the
2 49 child's parent, guardian, or legal or actual custodian
2 50 and the school truancy officer. The school truancy



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Senate Amendment 3182 continued

3 1 officer contacting the participants in the attendance
3 2 cooperation meeting may invite other school officials,
3 3 a designee of the juvenile court, the county attorney
3 4 or the county attorney's designee, or other persons
3 5 deemed appropriate to participate in the attendance
3 6 cooperation meeting.

3 7 Sec. _____. Section 299A.1, Code 2011, is amended to
3 8 read as follows:

3 9 299A.1 ~~Private~~ Competent private instruction and
3 10 independent private instruction.

3 11 1. The parent, guardian, or legal custodian of
3 12 a child of compulsory attendance age who places the
3 13 child under private instruction shall provide, unless
3 14 otherwise exempted, competent private instruction or
3 15 independent private instruction in accordance with this
3 16 chapter. A parent, guardian, or legal custodian of
3 17 a child of compulsory attendance age who places the
3 18 child under private instruction which is not competent
3 19 private instruction or independent private instruction,
3 20 or otherwise fails to comply with the requirements of
3 21 this chapter, is subject to the provisions of sections
3 22 299.1 through 299.4 and the penalties provided in
3 23 section 299.6.

3 24 2. For purposes of this chapter, ~~"competent and~~
3 25 chapter 299:

3 26 a. "Competent private instruction" means private
3 27 instruction provided on a daily basis for at least
3 28 one hundred forty-eight days during a school year, to
3 29 be met by attendance for at least thirty-seven days
3 30 each school quarter, by or under the supervision of
3 31 a licensed practitioner in the manner provided under
3 32 section 299A.2, or other person under section 299A.3,
3 33 which results in the student making adequate progress.

3 34 ~~For purposes of this chapter and chapter 299,~~
3 35 ~~"private instruction"~~

3 36 b. "Independent private instruction" means
3 37 instruction that meets the following criteria:

- 3 38 (1) Is not accredited.
3 39 (2) Enrolls not more than four unrelated students.
3 40 (3) Does not charge tuition, fees, or other
3 41 remuneration for instruction.
3 42 (4) Provides private or religious-based instruction
3 43 as its primary purpose.
3 44 (5) Provides enrolled students with instruction in
3 45 mathematics, reading and language arts, science, and
3 46 social studies.
3 47 (6) Provides, upon written request from the
3 48 superintendent of the school district in which the
3 49 independent private instruction is provided, or from
3 50 the director of the department of education, a report



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Senate Amendment 3182 continued

4 1 identifying the primary instructor, location, name of
4 2 the authority responsible for the independent private
4 3 instruction, and the names of the students enrolled.

4 4 (7) Is not a nonpublic school and does not provide
4 5 competent private instruction as defined in this
4 6 subsection.

4 7 (8) Is exempt from all state statutes and
4 8 administrative rules applicable to a school, a school
4 9 board, or a school district, except as otherwise
4 10 provided in chapter 299 and this chapter.

4 11 c. "Private instruction" means instruction using a
4 12 plan and a course of study in a setting other than a
4 13 public or organized accredited nonpublic school.

4 14 Sec. _____. Section 299A.11, Code 2011, is amended to
4 15 read as follows:

4 16 299A.11 Student records confidential.

4 17 Notwithstanding any provision of law or rule to the
4 18 contrary, personal information in records regarding
4 19 a child receiving competent private instruction or
4 20 independent private instruction pursuant to this
4 21 chapter, which are maintained, created, collected,
4 22 or assembled by or for a state agency, shall be kept
4 23 confidential in the same manner as personal information
4 24 in student records maintained, created, collected, or
4 25 assembled by or for a school corporation or educational
4 26 institution in accordance with section 22.7, subsection
4 27 1.

4 28 Sec. _____. Section 321.178, subsection 1, paragraph
4 29 c, Code 2011, is amended to read as follows:

4 30 c. Every public school district in Iowa shall offer
4 31 or make available to all students residing in the
4 32 school district, or Iowa students attending a nonpublic
4 33 school or receiving independent private instruction
4 34 as defined in section 299A.1, subsection 2, in the
4 35 district, an approved course in driver education.

4 36 The receiving district shall be the school district
4 37 responsible for making driver education available
4 38 to a student participating in open enrollment under
4 39 section 282.18. The courses may be offered at sites
4 40 other than at the public school, including nonpublic
4 41 school facilities within the public school districts.
4 42 An approved course offered during the summer months,
4 43 on Saturdays, after regular school hours during the
4 44 regular terms or partly in one term or summer vacation
4 45 period and partly in the succeeding term or summer
4 46 vacation period, as the case may be, shall satisfy the
4 47 requirements of this section to the same extent as
4 48 an approved course offered during the regular school
4 49 hours of the school term. A student who successfully
4 50 completes and obtains certification in an approved



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5 1 course in driver education or an approved course in
5 2 motorcycle education may, upon proof of such fact,
5 3 be excused from any field test which the student
5 4 would otherwise be required to take in demonstrating
5 5 the student's ability to operate a motor vehicle. A
5 6 student shall not be excused from any field test if a
5 7 parent, guardian, or instructor requests that a test be
5 8 administered. A final field test prior to a student's
5 9 completion of an approved course shall be administered
5 10 by a person qualified as a classroom driver education
5 11 instructor and certified to provide street and highway
5 12 driving instruction. A person qualified as a classroom
5 13 driver education instructor but not certified to
5 14 provide street and highway driving instruction may
5 15 administer the final field test if accompanied by
5 16 another person qualified to provide street and highway
5 17 driving instruction.>
5 18 #2. Title page, line 1, after <to> by inserting
5 19 <private instruction, including>
5 20 #3. Title page, line 3, after <eligibility> by
5 21 inserting <, and the establishment of an independent
5 22 private instruction option for students of compulsory
5 23 attendance age>
5 24 #4. By renumbering as necessary.

BILL DIX

MARK CHELGREN

KENT SORENSON

ROBY SMITH

HUBERT HOUSER

JAMES A. SEYMOUR

JERRY BEHN

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SF423.2062 (2) 84
kh/sc



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Senate Amendment 3183

PAG LIN

1 1 Amend Senate File 514 as follows:
1 2 #1. Page 5, before line 33 by inserting:
1 3 <Sec. _____. Section 15.293A, Code 2011, is amended
1 4 by adding the following new subsection:
1 5 NEW SUBSECTION. 14. This section is repealed on
1 6 June 30, 2021.>
1 7 #2. Page 6, before line 9 by inserting:
1 8 <Sec. _____. Section 15.293B, Code 2011, is amended
1 9 by adding the following new subsection:
1 10 NEW SUBSECTION. 4. This section is repealed on
1 11 June 30, 2021.>
1 12 #3. By renumbering as necessary.

MARK CHELGREN
SF514.2122 (3) 84
tw/sc



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Senate Amendment 3184

PAG LIN

1 1 Amend Senate File 517 as follows:
1 2 #1. Page 11, line 29, by striking <9,696,170> and
1 3 inserting <8,660,480>
1 4 #2. Page 13, before line 17 by inserting:
1 5 <Sec. _____. APPROPRIATIONS RESTRICTED. The
1 6 department of workforce development shall not use any
1 7 of the moneys appropriated pursuant to this Act for
1 8 purposes of the national career readiness certificate
1 9 program.>
1 10 #3. By renumbering as necessary.

WILLIAM DOTZLER
SF517.2082 (2) 84
tw/tm



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Senate Amendment 3185

PAG LIN

1 1 Amend Senate File 516 as follows:
1 2 #1. By striking page 1, line 34, through page 2,
1 3 line 3, and inserting <residential construction or
1 4 installation. A tax credit in excess of the taxpayer's
1 5 liability for the tax year is not refundable but may be
1 6 credited to the tax liability for the following three
1 7 years or until depleted, whichever is earlier. A tax
1 8 credit shall not be carried back to a tax year prior
1 9 to the tax year in which the taxpayer first receives
1 10 the tax credit.>

MARK CHELGREN
SF516.2126 (2) 84
rn/sc



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Senate Amendment 3186

PAG LIN

1 1 Amend Senate File 516 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 422.7, Code 2011, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 34. a. Subtract, to the extent
1 7 not otherwise deducted or excluded and subject to the
1 8 limitations of this subsection, thirty percent of
1 9 the allowable costs incurred for the construction or
1 10 installation of a solar energy system or a wind energy
1 11 system.
1 12 b. The deduction allowed under paragraph "a" shall
1 13 be limited to the following amounts:
1 14 (1) In the case of commercial or agricultural
1 15 construction or installation, fifteen thousand dollars.
1 16 (2) In the case of residential construction or
1 17 installation, three thousand dollars.
1 18 c. To be eligible for a deduction under this
1 19 subsection, a taxpayer shall meet all of the following
1 20 conditions:
1 21 (1) An applicant shall complete and submit an
1 22 energy audit conducted either by or on behalf of the
1 23 applicant's electric utility or through a private
1 24 energy audit service. The level of energy audit to
1 25 be conducted shall be determined under rules adopted
1 26 by the department in consultation with the utilities
1 27 board of the utilities division of the department of
1 28 commerce.
1 29 (2) The solar energy system or wind energy system
1 30 must qualify for the energy star efficiency rating
1 31 developed by the United States environmental protection
1 32 agency, or a similar certification program or status
1 33 designated by the department by rule, if available.
1 34 (3) The installation must be performed by a
1 35 licensed or certified installer qualified to install
1 36 solar energy or wind energy systems and equipment, and
1 37 must meet or exceed all applicable local building codes
1 38 and ordinances.
1 39 d. A person whose application for a solar energy
1 40 system tax credit certificate or a wind energy system
1 41 tax credit certificate is denied may file an appeal
1 42 with the department within sixty days from the date of
1 43 denial pursuant to the provisions of chapter 17A.
1 44 e. A taxpayer who is eligible for a deduction under
1 45 this subsection shall not be eligible to claim the wind
1 46 energy production tax credit provided in chapter 476B
1 47 or the renewable energy tax credit provided in chapter
1 48 476C.
1 49 f. On or before January 1, annually, the department
1 50 shall submit a written report to the governor and the



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Senate Amendment 3186 continued

2 1 general assembly regarding the amounts claimed as a
2 2 deduction pursuant to this subsection.
2 3 g. For purposes of this subsection, the following
2 4 terms have the following meanings:
2 5 (1) "Allowable costs" means amounts incurred in
2 6 the construction or installation of a solar energy
2 7 system or a wind energy system which are determined by
2 8 the department by rule to qualify for the deduction
2 9 pursuant to this subsection.
2 10 (2) "Residential" means a primary or vacation
2 11 residence, and excludes rental property.
2 12 (3) "Solar energy system" means a solar energy
2 13 facility which collects and converts incident solar
2 14 radiation into energy to generate electricity.
2 15 (4) "Wind energy system" means a wind energy
2 16 conversion system that collects and converts wind
2 17 into energy to generate electricity, with a nameplate
2 18 generating capacity of less than or equal to twenty
2 19 megawatts.
2 20 Sec. 2. Section 422.35, Code 2011, is amended by
2 21 adding the following new subsection:
2 22 NEW SUBSECTION. 25. a. Subtract, to the extent
2 23 not otherwise deducted or excluded and subject to the
2 24 limitations of this subsection, thirty percent of
2 25 the allowable costs incurred for the construction or
2 26 installation of a solar energy system or a wind energy
2 27 system.
2 28 b. The deduction allowed under paragraph "a" shall
2 29 be limited to the following amounts:
2 30 (1) In the case of commercial or agricultural
2 31 construction or installation, fifteen thousand dollars.
2 32 (2) In the case of residential construction or
2 33 installation, three thousand dollars.
2 34 c. To be eligible for a deduction under this
2 35 subsection, a taxpayer shall meet all of the following
2 36 conditions:
2 37 (1) An applicant shall complete and submit an
2 38 energy audit conducted either by or on behalf of the
2 39 applicant's electric utility or through a private
2 40 energy audit service. The level of energy audit to
2 41 be conducted shall be determined under rules adopted
2 42 by the department in consultation with the utilities
2 43 board of the utilities division of the department of
2 44 commerce.
2 45 (2) The solar energy system or wind energy system
2 46 must qualify for the energy star efficiency rating
2 47 developed by the United States environmental protection
2 48 agency, or a similar certification program or status
2 49 designated by the department by rule, if available.
2 50 (3) The installation must be performed by a



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3 1 licensed or certified installer qualified to install
3 2 solar energy or wind energy systems and equipment, and
3 3 must meet or exceed all applicable local building codes
3 4 and ordinances.
3 5 d. A person whose application for a solar energy
3 6 system tax credit certificate or a wind energy system
3 7 tax credit certificate is denied may file an appeal
3 8 with the department within sixty days from the date of
3 9 denial pursuant to the provisions of chapter 17A.
3 10 e. A taxpayer who is eligible for a deduction under
3 11 this subsection shall not be eligible to claim the wind
3 12 energy production tax credit provided in chapter 476B
3 13 or the renewable energy tax credit provided in chapter
3 14 476C.
3 15 f. On or before January 1, annually, the department
3 16 shall submit a written report to the governor and the
3 17 general assembly regarding the amounts claimed as a
3 18 deduction pursuant to this subsection.
3 19 g. For purposes of this subsection, the following
3 20 terms have the following meanings:
3 21 (1) "Allowable costs" means amounts incurred in the
3 22 construction or installation of a solar energy system
3 23 or a wind energy system which are determined by the
3 24 department by rule to qualify for the tax credit issued
3 25 pursuant to this subsection.
3 26 (2) "Residential" means a primary or vacation
3 27 residence, and excludes rental property.
3 28 (3) "Solar energy system" means a solar energy
3 29 facility which collects and converts incident solar
3 30 radiation into energy to generate electricity.
3 31 (4) "Wind energy system" means a wind energy
3 32 conversion system that collects and converts wind
3 33 into energy to generate electricity, with a nameplate
3 34 generating capacity of less than or equal to twenty
3 35 megawatts.
3 36 Sec. 3. RETROACTIVE APPLICABILITY. This Act
3 37 applies retroactively to January 1, 2011, for tax years
3 38 beginning on or after that date.>
3 39 #2. Title page, by striking lines 1 through 4 and
3 40 inserting <An Act excluding from the computation of net
3 41 income specified amounts incurred in the construction
3 42 and installation of solar energy systems and wind
3 43 energy systems and including retroactive applicability
3 44 provisions.>

MARK CHELGREN
SF516.2136 (2) 84
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PAG LIN

1 1 Amend Senate File 516 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 422.7, Code 2011, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 34. a. Subtract, to the extent
1 7 not otherwise deducted or excluded and subject to the
1 8 limitations of this subsection, thirty percent of
1 9 the allowable costs incurred for the construction or
1 10 installation of a solar energy system or a wind energy
1 11 system.
1 12 b. The deduction allowed under paragraph "a" shall
1 13 be limited to the following amounts:
1 14 (1) In the case of commercial or agricultural
1 15 construction or installation, fifteen thousand dollars.
1 16 (2) In the case of residential construction or
1 17 installation, three thousand dollars.
1 18 c. To be eligible for a deduction under this
1 19 subsection, a taxpayer shall meet all of the following
1 20 conditions:
1 21 (1) An applicant shall complete and submit an
1 22 energy audit conducted either by or on behalf of the
1 23 applicant's electric utility or through a private
1 24 energy audit service. The level of energy audit to
1 25 be conducted shall be determined under rules adopted
1 26 by the department in consultation with the utilities
1 27 board of the utilities division of the department of
1 28 commerce.
1 29 (2) The solar energy system or wind energy system
1 30 must qualify for the energy star efficiency rating
1 31 developed by the United States environmental protection
1 32 agency, or a similar certification program or status
1 33 designated by the department by rule, if available.
1 34 (3) The installation must be performed by a
1 35 licensed or certified installer qualified to install
1 36 solar energy or wind energy systems and equipment, and
1 37 must meet or exceed all applicable local building codes
1 38 and ordinances.
1 39 d. A taxpayer who is eligible for a deduction under
1 40 this subsection shall not be eligible to claim the wind
1 41 energy production tax credit provided in chapter 476B
1 42 or the renewable energy tax credit provided in chapter
1 43 476C.
1 44 e. On or before January 1, annually, the department
1 45 shall submit a written report to the governor and the
1 46 general assembly regarding the amounts claimed as a
1 47 deduction pursuant to this subsection.
1 48 f. For purposes of this subsection, the following
1 49 terms have the following meanings:
1 50 (1) "Allowable costs" means amounts incurred in



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2 1 the construction or installation of a solar energy
2 2 system or a wind energy system which are determined by
2 3 the department by rule to qualify for the deduction
2 4 pursuant to this subsection.
2 5 (2) "Residential" means a primary or vacation
2 6 residence, and excludes rental property.
2 7 (3) "Solar energy system" means a solar energy
2 8 facility which collects and converts incident solar
2 9 radiation into energy to generate electricity.
2 10 (4) "Wind energy system" means a wind energy
2 11 conversion system that collects and converts wind
2 12 into energy to generate electricity, with a nameplate
2 13 generating capacity of less than or equal to twenty
2 14 megawatts.
2 15 Sec. 2. Section 422.35, Code 2011, is amended by
2 16 adding the following new subsection:
2 17 NEW SUBSECTION. 25. a. Subtract, to the extent
2 18 not otherwise deducted or excluded and subject to the
2 19 limitations of this subsection, thirty percent of
2 20 the allowable costs incurred for the construction or
2 21 installation of a solar energy system or a wind energy
2 22 system.
2 23 b. The deduction allowed under paragraph "a" shall
2 24 be limited to the following amounts:
2 25 (1) In the case of commercial or agricultural
2 26 construction or installation, fifteen thousand dollars.
2 27 (2) In the case of residential construction or
2 28 installation, three thousand dollars.
2 29 c. To be eligible for a deduction under this
2 30 subsection, a taxpayer shall meet all of the following
2 31 conditions:
2 32 (1) An applicant shall complete and submit an
2 33 energy audit conducted either by or on behalf of the
2 34 applicant's electric utility or through a private
2 35 energy audit service. The level of energy audit to
2 36 be conducted shall be determined under rules adopted
2 37 by the department in consultation with the utilities
2 38 board of the utilities division of the department of
2 39 commerce.
2 40 (2) The solar energy system or wind energy system
2 41 must qualify for the energy star efficiency rating
2 42 developed by the United States environmental protection
2 43 agency, or a similar certification program or status
2 44 designated by the department by rule, if available.
2 45 (3) The installation must be performed by a
2 46 licensed or certified installer qualified to install
2 47 solar energy or wind energy systems and equipment, and
2 48 must meet or exceed all applicable local building codes
2 49 and ordinances.
2 50 d. A taxpayer who is eligible for a deduction under



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3 1 this subsection shall not be eligible to claim the wind
3 2 energy production tax credit provided in chapter 476B
3 3 or the renewable energy tax credit provided in chapter
3 4 476C.

3 5 e. On or before January 1, annually, the department
3 6 shall submit a written report to the governor and the
3 7 general assembly regarding the amounts claimed as a
3 8 deduction pursuant to this subsection.

3 9 f. For purposes of this subsection, the following
3 10 terms have the following meanings:

3 11 (1) "Allowable costs" means amounts incurred in
3 12 the construction or installation of a solar energy
3 13 system or a wind energy system which are determined by
3 14 the department by rule to qualify for the deduction
3 15 pursuant to this subsection.

3 16 (2) "Residential" means a primary or vacation
3 17 residence, and excludes rental property.

3 18 (3) "Solar energy system" means a solar energy
3 19 facility which collects and converts incident solar
3 20 radiation into energy to generate electricity.

3 21 (4) "Wind energy system" means a wind energy
3 22 conversion system that collects and converts wind
3 23 into energy to generate electricity, with a nameplate
3 24 generating capacity of less than or equal to twenty
3 25 megawatts.

3 26 Sec. 3. RETROACTIVE APPLICABILITY. This Act
3 27 applies retroactively to January 1, 2011, for tax years
3 28 beginning on or after that date.>

3 29 #2. Title page, by striking lines 1 through 4 and
3 30 inserting <An Act excluding from the computation of net
3 31 income specified amounts incurred in the construction
3 32 and installation of solar energy systems and wind
3 33 energy systems and including retroactive applicability
3 34 provisions.>

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SF516.2144 (1) 84
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PAG LIN

1 1 Amend Senate File 478 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 459.501, subsections 1, 3, and
1 5 5, Code 2011, are amended to read as follows:

1 6 1. A ~~manure storage indemnity~~ livestock remediation
1 7 fund is created as a separate fund in the state
1 8 treasury under the control of the department. The
1 9 general fund of the state is not liable for claims
1 10 presented against the fund.

1 11 3. a. The moneys collected under this section
1 12 shall be deposited in the fund and shall be
1 13 appropriated to the department for the following
1 14 exclusive purpose of providing purposes:

1 15 (1) To provide moneys for cleanup of abandoned
1 16 facilities as provided in section 459.505, and to pay
1 17 the department for costs related to administering the
1 18 provisions of this subchapter. For each fiscal year,
1 19 the department shall not use more than one percent of
1 20 the total amount which is available in the fund or ten
1 21 thousand dollars, whichever is less, to pay for the
1 22 costs of administration.

1 23 (2) To allocate moneys to the department of
1 24 agriculture and land stewardship for the payment of
1 25 expenses incurred by the department of agriculture and
1 26 land stewardship associated with providing for the
1 27 sustenance and disposition of livestock in immediate
1 28 need of sustenance pursuant to chapter 717. The
1 29 department of natural resources shall allocate any
1 30 amount of unencumbered and unobligated moneys demanded
1 31 in writing by the department of agriculture and land
1 32 stewardship as provided in this subparagraph. The
1 33 department of natural resources shall complete the
1 34 allocation upon receiving the demand.

1 35 b. Moneys in the fund shall not be subject to
1 36 appropriation or expenditure for any other purpose than
1 37 provided in this section.

1 38 5. The following shall apply to moneys in the fund:

1 39 a. (1) The executive council may allocate moneys
1 40 from the general fund of the state as provided in
1 41 section 7D.10A in an amount necessary to support the
1 42 fund, including the following:

1 43 (a) The payment of claims as provided in section
1 44 459.505.

1 45 (b) The allocation of moneys to the department
1 46 of agriculture and land stewardship for the payment
1 47 of expenses incurred by the department of agriculture
1 48 and land stewardship associated with providing for the
1 49 sustenance and disposition of livestock pursuant to
1 50 chapter 717.



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2 1 (2) ~~However, an~~ Notwithstanding subparagraph (1),
2 2 the allocation of moneys from the general fund of the
2 3 state shall be made only if the amount of moneys in the
2 4 fund, which are not obligated or encumbered, and not
2 5 counting the department's estimate of the cost to the
2 6 fund for pending or unsettled claims, the amount to be
2 7 allocated to the department of agriculture and land
2 8 stewardship, and any amount required to be credited to
2 9 the general fund of the state under this subsection, is
2 10 less than one million dollars.

2 11 b. The department of natural resources shall credit
2 12 an amount to the general fund of the state which
2 13 is equal to an amount allocated to the fund by the
2 14 executive council under paragraph "a". The department
2 15 shall credit the moneys to the general fund of the
2 16 state if the moneys in the fund which are not obligated
2 17 or encumbered, and not counting the department's
2 18 estimate of the cost to the fund for pending or
2 19 unsettled claims, the amount to be allocated to the
2 20 department of agriculture and land stewardship, and
2 21 any amount required to be transferred to the general
2 22 fund under this paragraph, are in excess of two million
2 23 five hundred thousand dollars. The department is not
2 24 required to credit the total amount to the general fund
2 25 of the state during any one fiscal year.

2 26 Sec. 2. Section 579A.2, subsection 5, Code 2011, is
2 27 amended to read as follows:

2 28 5. a. ~~Except as provided in this paragraph, a~~ A
2 29 custom cattle feedlot lien that is perfected under
2 30 this section is superior to and shall have priority
2 31 over a conflicting lien or security interest in the
2 32 cattle, including a lien or security interest that was
2 33 perfected prior to the perfection of the custom cattle
2 34 feedlot lien. ~~However~~

2 35 b. Notwithstanding paragraph "a", a custom cattle
2 36 feedlot lien shall not be superior to a court-ordered
2 37 lien provided in section 717.4 or a veterinarian's
2 38 lien created under chapter 581, that if such lien
2 39 is perfected as an agricultural lien as provided in
2 40 chapter 554, article 9.

2 41 ~~b.~~ c. A custom cattle feedlot lien that is
2 42 effective but not perfected under this section has
2 43 priority as provided in section 554.9322.

2 44 Sec. 3. Section 579B.4, subsection 4, paragraph a,
2 45 Code 2011, is amended to read as follows:

2 46 a. (1) ~~Except as provided in this paragraph, a~~ A
2 47 commodity production contract lien that is perfected
2 48 under this section is superior to and shall have
2 49 priority over a conflicting lien or security interest
2 50 in the commodity, including a lien or security interest



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3 1 that was perfected prior to the perfection of the
3 2 commodity production contract lien under this chapter.

3 3 ~~However~~

3 4 (2) Notwithstanding subparagraph (1), a commodity
3 5 production contract lien shall not be superior to a
3 6 court ordered lien provided in section 717.4 or a
3 7 veterinarian's lien created under chapter 581, ~~that~~ if
3 8 such lien is perfected as an agricultural lien.

3 9 Sec. 4. Section 581.2, subsection 2, Code 2011, is
3 10 amended to read as follows:

3 11 2. a. A veterinarian's lien that is perfected
3 12 under section 581.3 shall have priority over any
3 13 conflicting security interest or lien in livestock
3 14 treated by a veterinarian, regardless of when such
3 15 security interest or lien is perfected.

3 16 b. Notwithstanding paragraph "a", a veterinarian's
3 17 lien shall not be superior to a court ordered lien
3 18 provided in section 717.4, if such lien is perfected as
3 19 an agricultural lien.

3 20 Sec. 5. Section 717.1, Code 2011, is amended by
3 21 adding the following new subsections:

3 22 NEW SUBSECTION. 01. "Department" means the
3 23 department of agriculture and land stewardship.

3 24 NEW SUBSECTION. 001. "Electronic mail" means any
3 25 message transmitted through the internet including but
3 26 not limited to messages transmitted from or to any
3 27 address affiliated with an internet site.

3 28 Sec. 6. NEW SECTION. 717.3 Livestock in immediate
3 29 need of sustenance === court order.

3 30 1. This section applies only to livestock which are
3 31 cattle, sheep, swine, or poultry.

3 32 2. For purposes of this section, "interested person"
3 33 means all of the following:

3 34 a. An owner of the livestock.

3 35 b. A person caring for the livestock, if different
3 36 from the owner of the livestock.

3 37 c. A person holding a perfected agricultural lien
3 38 or security interest in the livestock under chapter
3 39 554.

3 40 3. The department may determine that some or all
3 41 of the livestock kept by a person are in immediate
3 42 need of sustenance. Upon making the determination the
3 43 department may file a petition with a district court
3 44 in a county where some or all of the livestock are
3 45 kept requesting the court to issue an order to provide
3 46 sustenance of the livestock. The petition may be made
3 47 separately or with a petition filed pursuant to section
3 48 717.5. The petition must at least include all of the
3 49 following:

3 50 a. A statement signed by a veterinarian licensed



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4 1 pursuant to chapter 169 stating that the livestock are
4 2 in immediate need of sustenance.
4 3 b. The address of each location where the livestock
4 4 are kept.
4 5 c. A brief description of the livestock.
4 6 d. The name and address of each interested person,
4 7 if known.
4 8 e. The name and address of each qualified person
4 9 appointed by the department to provide sustenance to
4 10 the livestock.
4 11 4. Upon receiving the petition, the court may do
4 12 any of the following:
4 13 a. Notify any interested person that the petition
4 14 has been filed with the court. The notification must
4 15 be made in writing and may be delivered by ordinary,
4 16 certified, or restricted certified mail by United
4 17 States postal service; delivered by a common carrier;
4 18 or transmitted by electronic mail.
4 19 b. Hold a hearing to determine whether the
4 20 livestock are in immediate need of sustenance.
4 21 5. If the court determines that the livestock are
4 22 in immediate need of sustenance, the court shall issue
4 23 an order which at least declares all of the following:
4 24 a. That the livestock are in immediate need of
4 25 sustenance.
4 26 b. That the department shall assume supervision of
4 27 and provide for the sustenance of the livestock and as
4 28 provided in section 717.4.
4 29 c. That a lien is created attaching to the
4 30 livestock and associated proceeds and products as
4 31 provided in section 717.4.
4 32 6. The department shall assume supervision of
4 33 the livestock as provided in the court order. The
4 34 department may directly provide for the sustenance of
4 35 the livestock or appoint a qualified person to provide
4 36 for such sustenance.
4 37 Sec. 7. NEW SECTION. 717.4 Livestock in immediate
4 38 need of sustenance ==== lien.
4 39 1. This section applies to a lien created by a
4 40 court order entered pursuant to section 717.3 or 717.5.
4 41 The court ordered lien is an agricultural lien subject
4 42 to chapter 554 except as otherwise provided in this
4 43 section.
4 44 2. The court ordered lien shall be for the benefit
4 45 of the department. The amount of the lien shall be not
4 46 more than expenses incurred in providing sustenance to
4 47 the livestock pursuant to section 717.3 and providing
4 48 for the disposition of the livestock pursuant to
4 49 section 717.5.
4 50 3. The court ordered lien shall attach to the



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5 1 livestock, identifiable proceeds from the disposition
5 2 of the livestock, and products from the livestock in
5 3 the products' unmanufactured states.
5 4 4. The court ordered lien becomes effective on the
5 5 date that the court order is entered. To perfect the
5 6 lien, the department must file a financing statement
5 7 in the office of the secretary of state as provided
5 8 in sections 554.9308 and 554.9310 on or after but not
5 9 later than twenty days after the effective date of
5 10 the lien. For purposes of chapter 554, article 9,
5 11 the department is a secured party; the owner of the
5 12 livestock is a debtor; and the livestock and associated
5 13 proceeds and products as provided in subsection 3 are
5 14 the collateral.

5 15 5. The court ordered lien that is perfected under
5 16 this section is superior to and shall have priority
5 17 over a conflicting lien or security interest in the
5 18 livestock and associated proceeds and products as
5 19 provided in subsection 3, including a lien or security
5 20 interest that was perfected prior to the perfection of
5 21 the court ordered lien.

5 22 Sec. 8. NEW SECTION. 717.4A Livestock in immediate
5 23 need of sustenance ==== livestock remediation fund.

5 24 The department may utilize the moneys deposited
5 25 into the livestock remediation fund pursuant to
5 26 section 459.501 to pay for any expenses associated
5 27 with providing sustenance to or the disposition of the
5 28 livestock pursuant to a court order entered pursuant to
5 29 section 717.3 or 717.5. The department shall utilize
5 30 moneys from the fund only to the extent that the
5 31 department determines that expenses cannot be timely
5 32 paid by utilizing the available provisions of sections
5 33 717.4 and 717.5. The department shall deposit any
5 34 unexpended and unobligated moneys in the fund. The
5 35 department shall pay the fund the proceeds from the
5 36 disposition of the livestock and associated products
5 37 less expenses incurred by the department in providing
5 38 for the sustenance and disposition of the livestock, as
5 39 provided in section 717.5.

5 40 Sec. 9. Section 717.5, subsections 1 through 3,
5 41 Code 2011, are amended to read as follows:

5 42 1. a. A court shall order the disposition of
5 43 livestock neglected as provided in section 717.2 ~~after~~
~~5 44 a hearing upon application or petition to the court~~
~~5 45 or livestock in immediate need of sustenance and~~
5 46 associated products as provided in sections 717.3 and
5 47 717.4 in accordance with this section.

5 48 (1) A petition may be filed by a local authority or
5 49 a person owning or caring for the livestock pursuant
5 50 to section 717.2.



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6 1 (2) A petition may be filed by the department.

6 2 The court shall notify interested persons in the same
6 3 manner as provided in section 717.3. The petition may
6 4 be filed separately or with a petition filed pursuant
6 5 to section 717.3.

6 6 b. The matter shall be heard by the court within
6 7 ten days from the filing of a the petition by the local
~~6 8 authority or the person.~~

6 9 (1) ~~The~~ For livestock alleged to be neglected under
6 10 section 717.2, the court may continue the hearing for
6 11 up to forty days upon petition by the person. However,
6 12 the person shall post a bond or other security with the
6 13 local authority in an amount determined by the court,
6 14 which shall not be more than the amount sufficient to
6 15 provide for the maintenance of the livestock for forty
6 16 days. The court may grant a subsequent continuance by
6 17 the person for the same length of time if the person
6 18 submits a new bond or security.

6 19 (2) For livestock alleged to be in immediate need
6 20 of sustenance under section 717.3, the court may
6 21 continue the hearing for up to forty days upon petition
6 22 by the department. The department may file and the
6 23 court may grant one or more subsequent continuances
6 24 each for up to forty days. The department is not
6 25 required to post a bond or other security.

6 26 c. ~~However, the~~ Notwithstanding paragraph "b", the
6 27 court shall order the immediate disposition of ~~the~~
6 28 livestock if the livestock is permanently distressed
6 29 by disease or injury to a degree that would result in
6 30 severe or prolonged suffering.

6 31 2. The hearing to determine if livestock has
6 32 been neglected under section 717.2 for purposes of
6 33 disposition shall be a civil proceeding. If the case
6 34 is related to a criminal proceeding under section
6 35 717.2, the disposition shall not be part of that
6 36 proceeding and shall not be considered a criminal
6 37 penalty imposed on a person found in violation of
6 38 section 717.2.

6 39 3. A court may order a person owning the ~~neglected~~
6 40 livestock neglected under section 717.2 or in immediate
6 41 need of sustenance under section 717.3 to pay an amount
6 42 associated with expenses associated with the livestock
6 43 as follows:

6 44 a. (1) ~~which~~ For livestock neglected under section
6 45 717.2, the amount shall not be more than ~~the~~ for
6 46 expenses incurred by the local authority in maintaining
6 47 and disposing the neglected livestock rescued pursuant
6 48 to section 717.2A, and reasonable attorney fees and
6 49 expenses related to the investigation of the case. The
6 50 remaining amount of a bond or other security posted



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7 1 pursuant to ~~this section~~ subsection 1 shall be used to
7 2 reimburse the local authority.
7 3 (2) For livestock in immediate need of sustenance
7 4 under section 717.3, the amount shall not be more than
7 5 for expenses incurred by the department in providing
7 6 sustenance to and disposing of the neglected livestock
7 7 as provided in section 717.3 and this section. The
7 8 amount paid to the department shall be sufficient to
7 9 allow the department to repay the livestock remediation
7 10 fund as provided in section 459.501.
7 11 b. If more than one person has a divisible
7 12 ownership interest in the livestock, the amount
7 13 required to be paid shall be prorated based on the
7 14 percentage of interest in the livestock owned by
7 15 each person. The moneys shall be paid to the local
7 16 authority or department incurring the expense as
7 17 provided in paragraph "a". The amount shall be
7 18 subtracted from proceeds owed to the owner or owners of
7 19 the livestock, which are received from the sale of the
7 20 livestock ordered by the court.
7 21 c. (1) Moneys owed to the local authority from
7 22 the sale of neglected livestock that have been rescued
7 23 by a local authority pursuant to section 717.2A shall
7 24 be paid to the local authority before satisfying
7 25 indebtedness secured by any security interest in or
7 26 lien on the livestock. Moneys owed to the department
7 27 from the sale of livestock in immediate need of
7 28 sustenance and associated products shall be paid to
7 29 the department according to its priority status as a
7 30 lienholder as provided in section 717.4.
7 31 (2) If an owner of the livestock is a landowner,
7 32 the local authority may submit an amount of the moneys
7 33 owed to the clerk of the county board of supervisors
7 34 who shall report the amount to the county treasurer.
7 35 The amount shall equal the balance remaining after the
7 36 sale of the livestock. If the livestock owner owns a
7 37 percentage of the livestock, the reported amount shall
7 38 equal the remaining balance owed by all landowners
7 39 who own a percentage of the livestock. That amount
7 40 shall be prorated among the landowners based on the
7 41 percentage of interest in the livestock attributable to
7 42 each landowner. The amount shall be placed upon the
7 43 tax books, and collected with interest and penalties
7 44 after due, in the same manner as other unpaid property
7 45 taxes. The county shall reimburse a city within thirty
7 46 days from the collection of the property taxes.
7 47 Sec. 10. NEW SECTION. 717.6 Rulemaking.
7 48 The department may adopt rules pursuant to chapter
7 49 17A as required to implement and administer sections
7 50 717.3 through 717.5.



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8 1 Sec. 11. CODE EDITOR DIRECTIVE. Sections 7D.10A,
8 2 459.303, 459.503A, and 460.206, Code 2011, are amended
8 3 by striking from the sections the words "manure storage
8 4 indemnity fund" and inserting in lieu thereof the words
8 5 "livestock remediation fund".>
8 6 #2. By renumbering as necessary.

THOMAS RIELLY

DR. JOE M. SENG
SF478.2150 (3) 84
da/rj